

The Gazette of India



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NOTICE

The undermentioned Gazzettes of India Extraordinary were published upto the 25th August 1955 :—

Issue No.	No. and date	Issued by	Subject
250	S.R.O. 1807, dated the 20th August 1955.	Ministry of External Affairs.	Amendment made in the French Establishment (A.I.I) of Laws Order, 1954.
251	S.R.O. 1808, dated the 20th August 1955.	Ministry of Commerce and Industry.	Appointment of a body of persons for investigation into the circumstances of the industrial undertaking known as Ram Luxman Sugar Mills, Mohiuddinpur.
252	S.R.O. 1809, dated the 22nd August 1955.	Election Commission, India.	To fill a vacancy in the House of the People caused by the death of Shri Devi Datt Pant.
	S.R.O. 1810, dated the 22nd August 1955.	Ditto.	Appointment of dates for bye-election to be held in Almora District Parliamentary Constituency.
253	S.R.O. 1811, dated the 23rd August 1955.	Ministry of Finance (Revenue Division).	Amendment made in the notification No. 13-Customs, dated the 28th February, 1953.
254	S.R.O. 1812, dated the 23rd August 1955.	Ditto.	Amendment made in the notification No. 13-Customs, dated the 28th February, 1953.
	S.R.O. 1813, dated the 23rd August 1955.	Ditto.	Amendments made in the notification No. 42-Customs, dated the 31st May, 1953.
	S.R.O. 1814, dated the 23rd August 1955.	Ditto.	The Central Government rescinds the notification No. 12-Customs, dated the 22nd January, 1953.

Issue No.	No. and date	Issued by	Subject
255	S.R.O. 1815, dated the 22nd August 1955.	Elections Commission, India.	Amendment made in the notification No. 62/8/51-Elec. II(3), dated the 16th October, 1951.
	S.R.O. 1816, dated the 23rd August 1955.	Ditto.	Final list of candidates for election to the House of the People from Mohindergarh Constituency.
256	S.R.O. 1817, dated the 25th August 1955.	Ditto.	To fill a vacancy in the House of the People caused by the resignation of Shri Daulat Mal Bhandari.
	S.R.O. 1818, dated the 25th August 1955.	Ditto.	Appointment of dates for bye-election to be held in Jaipur Parliamentary Constituency.
257	S.R.O. 1861, dated the 25th August 1955.	Ministry of Law	Fixation of hours during which the poll shall be taken in the Almora District Parliamentary Constituency.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

MINISTRY OF LAW

New Delhi, the 27th August 1955

S.R.O. 1869.—In exercise of the powers conferred by section 3 of the Maintenance Orders Enforcement Act, 1921 (XVIII of 1921) and in supersession of the Notification of the Government of India in the late Home Department No. F.219/27, dated the 8th March, 1927, the Central Government hereby declares that the said Act applies in respect of the Federation of Malaya.

[No. F.26(7)/54-L.]

S.R.O. 1870.—In exercise of the powers conferred by Clause (1) of article 299 of the Constitution, the President hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law, No. S.R.O. 215, dated the 9th February, 1952, relating to the execution of contracts and assurances of property, namely:—

In Part X of the said notification, under Head E, in item (ii), for the words "Regional Director (Food) Madras or the Deputy Director in the Office of the Regional Director (Food), Madras" the words "Regional Directors (Food), Bombay, Calcutta and Madras and Deputy Directors (Sugar) on the office of the Regional Directors (Food) at Bombay, Calcutta and Madras" shall be substituted.

[No. F.32-III/52-L.]

R. S. GAE, Dy. Secy.

MINISTRY OF HOME AFFAIRS

New Delhi-2, the 27th August 1955

S.R.O. 1871.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following further amendment in the rules published with the notification of the Government of India in the late Home Department, No. F.9-19/30-Ests., dated the 27th February, 1932, namely:—

In the Schedule to the said Rules, under the heading 'Department of Industries and Labour', the sub-heading 'The Coal Mines Labour Welfare Fund' and the section headed "Engineering Section", for the words "Superintending Engineer" wherever they occur, the words "Executive Engineer" shall be substituted.

[No. 7/4/54-Ests.]

K. THYAGARAJAN, Under Secy.

New Delhi, the 29th August 1955

S.R.O. 1872.—In exercise of the powers conferred by entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government pleased to specify

1. Raja Girraj Saran Singh, and
2. Raja Man Singh

members of the family of the Ruler of Bharatpur for the purpose of that entry.

[No. F.8/3/55-Police IV.]

New Delhi-2, the 30th August 1955

S.R.O. 1873.—In exercise of the powers conferred by entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules 1951, the Central Government is pleased to specify Raja Shiv Ratan Deo Singh, Raja of Poonch a member of the family of the Ruler of Jammu and Kashmir for the purpose of that entry.

[No. F.8/5/55-Police IV.]

S.R.O. 1874.—In exercise of the powers conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Central Government hereby exempts H. E. Wing Commander Gamal Salem, the Deputy Prime Minister of Egypt and party of ten persons accompanying him from the operation of the prohibitions and directions contained in section 6, 10 and 13—15 of the said Act.

[No. D.277/55-Police IV.]

J. N. DHAMIJA, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 26th August 1955

S.R.O. 1875(DCOA-S2/55).—In exercise of the powers conferred by Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (XLI of 1948) the Central Government hereby authorises Shri D. K. Basu, Registrar, Consulate General of India, San Francisco, to perform the duties of a Consular Agent with immediate effect until further orders.

[No. 9-B-Cons.]

M. R. A. BAIG, Jt. Secy.

MINISTRY OF FINANCE (Department of Economic Affairs)

New Delhi, the 25th August 1955

S.R.O. 1876.—In pursuance of clause (b) of sub-section (1), read with sub-section (2), of section 19 of the State Bank of India Act (23 of 1955), the Central

Government hereby appoints Shri M. R. Bhide, I.C.S., to be a Managing Director of the State Bank of India with effect from the date he takes charge of the said post.

[No. F.8(45)-F.I./55.]

S. G. BARVE, Joint Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

ESTATE DUTY

New Delhi, the 22nd August 1955

S.R.O. 1877.—Whereas in pursuance of the provisions contained in clause (1) of Article 252 of the Constitution of India a resolution has been passed by the Legislature of the State of Andhra on the 7th July 1955, adopting the Estate Duty Act, 1953 (34 of 1953), in so far it relates to estate duty in respect of agricultural land situate in the said State:

Now, therefore, in pursuance of the provision contained in sub-section (2) of section 5 of the said Act, the Central Government hereby adds the name of the State of Andhra to the First Schedule thereof.

[F. No. 2/2/54-E.D.]

[No. 14.]

A. C. BOSE, Joint Secy.

CUSTOMS

New Delhi, the 3rd September 1955

S.R.O. 1878.—In exercise of the powers conferred by section 188 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby empowers the Collector of Customs, Madras, to hear any appeal from a decision or order passed by the Collector of Customs, Cochin, in a case where the fine in lieu of confiscation or the penalty imposed by the latter does not exceed Rs. 5,000/- (Rupees five thousand):

Provided that nothing in the foregoing provision shall be deemed to empower the Collector of Customs, Madras, to hear an appeal in any case in which he himself passed the decision or order as Collector of Customs, Cochin and in any such case the appeal shall lie to the Central Board of Revenue.

[No. 142.]

S.R.O. 1879.—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (VIII of 1878), the Central Government hereby appoints the Collector of Customs, Cochin, to be the Chief Executive Officer of Sea Customs and Customs Collector for the port of Cochin, and makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 6-Customs, dated the 18th January, 1952, namely:—

In the Schedule to the said notification—

- (1) under the column headed "Port or ports" against Serial Number 3, for the words "The ports of Madras and Cochin", the words "The port of Madras" shall be substituted;
- (2) after Serial Number 3 and the entries relating thereto the following shall be inserted, namely:—

"3A. The Collector of Customs, Cochin. The port of Cochin."

[No. 143.]

S.R.O. 1880.—In exercise of the powers conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby exempts three wheeled motor vehicles such as those mentioned below, imported into India or the State of Pondicherry, and falling under item 75(1) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934), from so much of the duty of customs leviable thereon under the last mentioned Act as is in excess of the duty of 75 per cent *ad valorem*:—

- (1) Auto Rickshaw;
- (2) Reliant 'Regent' and Reliant Auto-4 Seater Rickshaw;
- (3) Bond Minicar;
- (4) Fend's Motor Cart;
- (5) Fend Rickshaw; and
- (6) Fend Kabinenroller.

[No. 144.]

E. RAJARAM RAO, Jt. Secy.

CORRIGENDUM

New Delhi, the 24th August 1955

S.R.O. 1881.—In the notification of the Government of India in the Ministry of Finance (Revenue Division) No. S.R.O. 2607 dated the 14th August, 1954, published in Part II—Section 3, at page 1947 of the Gazette of India, dated the 14th August, 1954,—

- (i) for the word "opinion" occurring in between the words "Central" and "Rules" in the opening line read "Opium";
- (ii) for the word "Amroha" occurring under column headed "Extent" in para I—State of Uttar Pradesh, against Tehsil/Pargana Faizabad Opium Circle, read "Amorha".

[No. A.3.]

S.R.O. 1882.—In the notification of the Government of India, Ministry of Finance (Revenue Division) No. S.R.O. 3505, dated the 29th November, 1954, published in Part II—Section 3, at pages 2730-31 of the Gazette of India dated the 4th December, 1954:—

- (i) clause (a) occurring under item (1), shall be deleted; and
- (ii) the word "(b)" occurring before the words "after the Shahjahanpur Opium Circle" in item (1), shall be deleted.

[No. B.4.]

M. P. ALEXANDER, Under Secy.

ORDER

STAMPS

New Delhi, the 25th August 1955

S.R.O. 1883.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899), the Central Government hereby remits the whole of the stamp duty chargeable under article 27 of the said Act on debenture of Rs. 4,00,000 to be issued by the Municipal Committee, Khandwa, to the Bombay Mutual Life Assurance Society Limited, Bombay.

[No. 14.]

M. G. MATHUR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY

(Indian Standards Institution)

Delhi, the 26th August 1955

S.R.O. 1884.—In pursuance of sub regulation (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed, have been established during the period 16 August to 25 August 1955.

THE SCHEDULE

Sl. No.	No. and title of the Indian Stan- dards established (1)	No. and title of the Indian Standard or Standards, if any, su- perseded by the new Indian Standard (2)	Brief Particulars (4)
1	IS : 613-1954 Specification for Copper Bars and Rods for Electrical purposes	..	This standard covers the requirements for hard, mediumhard and annealed copper bars and rods for electrical purposes. (Price Rs. 1/8/-).
2	IS : 701-1955 Specification for Zinc Chloride Battery and Technical Grades	..	This standard prescribes the requirement and methods of test for solid and liquid form of zinc chloride, battery and technical grade. The technical grade of the material for required textiles, for manufacturing old-curing glue and activated carbon, in timber preservation, and also as an antiseptic in starch base glue. (Price Rs. 1/8/-).
3	IS : 643-1955 Specification for Cyclohexane (Hexahydro Benzene) for Paints	..	This standard prescribes the requirements and methods of test for cyclohexane which is used as a thinner and solvent for paints (Price Re. 1/-).
4	IS : 652-1955 Specification for Wooden Separators for Lead-Acid Storage Batteries for Motor Vehicles	..	This standard covers requirements regarding materials, manufacture and treatment, dimensions and tolerances and performance requirements with regard to electrical resistance of wooden battery separators. (Price Rs. 1/8/-).

Copies of all these standards are available for sale with the Secretary (Administration), Indian Standards Institution, 19 University Road, Delhi-8.

D. V. KARMARKAR,

Deputy Director (Marks),
Indian Standards Institution.

[No. M.D.C./11(4).]

T. S. RAMSWAMI UNDER SECY.

MINISTRY OF FOOD AND AGRICULTURE
(Agriculture)

New Delhi, the 25th August 1955

S.R.O. 1885.—In pursuance of Section 4(x) of the Indian Cotton Cess Act, 1923, (XIV of 1923), the Central Government hereby nominate the Joint Secretary to the Government of India, Ministry of Finance (Food and Agriculture Division), as a member of the Indian Central Cotton Committee with effect from the 6th August, 1955, vice Shri K. S. Krishnaswamy resigned.

[No. F.1-12/55-Com.II.]

F. C. GERA, Under Secy

MINISTRY OF TRANSPORT

New Delhi, the 27th August 1955

S.R.O. 1886.—In exercise of the powers conferred by section 22 of the Calcutta Port Act, 1890 (Bengal Act III of 1890), the Central Government is pleased to authorise the Commissioners for the Port of Calcutta to raise on the 1st September, 1955 a debenture loan of Rs. 90 lakhs (ninety lakhs) repayable on the 1st September, 1985.

2. The whole of the loan will be taken up by the Commissioners' Reserve Funds in accordance with the provisions of sub-section (1) of section 24-C of the said Act.

[No. 9-PI(140)/54.]

K. NARAYANAN, Under Secy.

MINISTRY OF COMMUNICATIONS

New Delhi, the 26th August 1955

S.R.O. 1887.—The following draft of a further amendment to the Indian Aircraft Rules, 1937, which the Central Government propose to make in exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), is published, as required by section 14 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th November, 1955. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

Draft Amendment

In the said Rules, after rule 5, the following rule shall be inserted, namely:—

“5A. No person shall take an Indian registered aircraft outside India and keep it outside India for a period exceeding 60 days, except with the special permission in writing of the Director General and subject to such conditions and limitations as may be specified in such permission.”

[No. 10-A/69-55.J]

S.R.O. 1888.—The following draft of a further amendment to the Indian Aircraft Rules, 1937, which the Central Government propose to make in exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (XXII of 1934), is published, as required by section 14 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 30th November, 1955. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

Draft Amendment

In the said Rules, for rule 79, the following rule shall be substituted, namely:—

"79 Places other than Government aerodromes.—A place in India other than a Government aerodrome shall not be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers for hire or reward unless:—

- (a) it has been licensed for the purpose, and save in accordance with the conditions prescribed in such a licence; or
- (b) it has been approved by the Director General, subject to such conditions as he may deem fit to impose, for the purpose of giving joy-rides for hire or reward."

[No. 10-A/70-55.]

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF PRODUCTION

New Delhi, the 31st August 1955

S.R.O. 1889.—In exercise of the powers conferred by clause (b) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (LXI of 1948), read with sub-rule (1) of rule 8 of the Central Silk Board Rules, 1955, the Central Government hereby directs that the following amendment shall be made in the Notification of the Government of India in the Ministry of Commerce & Industry, No. S.R.O. 784, dated the 7th April, 1955, namely:—

In the said notification, for item No. 1, the following item shall be substituted, namely:—

1. Shri V. Narayanan, Joint Secretary to the Government of India, Ministry of Finance (I & C Division)."

[No. 22(1)-Cot.Ind(Silk)/55.]

G. S. SHARMA, Under Secy.

MINISTRY OF EDUCATION

New Delhi, the 30th August 1955

S.R.O. 1890.—Whereas under the Provinces & States (Absorption of Enclaves) Order, 1950 all rights, liabilities and obligations of the erstwhile State of Charkhari have devolved on the State of Uttar Pradesh.

2. And whereas it appears to the Central Government that the securities vested in the Treasurer of Charitable Endowments for India under the designation of Charkhari Scholarships Endowments Trust, Allahabad should vest in the Treasurer, Charitable Endowments for Uttar Pradesh.

3. Now, therefore, in exercise of the powers conferred by section 12 of the Charitable Endowments Act (VI of 1890), the Central Government hereby directs that the securities vested in the Treasurer, Charitable Endowments for India under the designation of the aforesaid Trust shall from the date of the publication of this notification vest in the Treasurer, Charitable Endowments for Uttar Pradesh.

[No. D-6083/54-C.I(A.2.)]

T. S. KRISHNAMURTI, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 18th August 1955

S.R.O. 1891.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954), the Central Government hereby appoints Shri N. C. Shrivastava, I.C.S., Joint Secretary to the Government of India in the Ministry of Rehabilitation, as Chief Settlement Commissioner for the purpose of performing the functions assigned to such Commissioner by or under the said Act, with effect from the 19th August, 1955.

[No. 3/43/55-S.II.]

K. J. GEORGE, Dy. Secy.

ORDER

New Delhi, the 24th August 1955

S.R.O. 1892.—Under Rule 35 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, it has been decided to classify Bairagarh Township in Bhopal State as a 'C' Class colony.

[No. F.36(5)SI/55.]

KULWANT SINGH, Under Secy.

MINISTRY OF WORKS HOUSING AND SUPPLY

New Delhi, the 24th August 1955

S.R.O. 1893.—In exercise of the powers conferred by sections 5 and 7 of the Indian Explosives Act, 1884 (IV of 1884) the Central Government hereby directs that the following further amendments shall be made in the Explosives Rules, 1940 the same having been previously published as required by Section 18 of the said Act, namely:—

In the said Rules—

After the proviso (b) of sub-rule (1) of rule 85, the following proviso shall be inserted:—

"(c) no licence in Form 'T' or under Article 8 of Schedule IV shall be granted or renewed to an applicant of the District of Ramanathapuram, Madras state, unless he executes a bond in the prescribed form (Annexure) in favour of the President of India indemnifying persons injured or dependents of deceased workers in the event of an accident in the factory for the amounts mentioned hereunder:—

(i) For licence in Form I manufacturing gunpowder or fireworks upto a quantity of—

25 lbs. — Rs. 1,000.

50 lbs. — Rs. 2,000.

100 lbs. — Rs. 3,000.

200 lbs. — Rs. 5,000.

(ii) For licence under Article 8 of Schedule IV Rs. 10,000.

ANNEXURE

Draft Form of Indemnity Bond

To

The President of India

I/We carrying on business as manufacturer(s) of fireworks and having a factory or shop at and I/We of sureties on his/their behalf hereby jointly and severally agree and undertake that we shall pay to the President of India, his successors and assigns on demand a sum of Rs. for which payment to be well and truly made we bind ourselves, our respective heirs, executors, administrators and assigns. I/We agree that the aforesaid amount may be utilised for the payment of compensation awarded to the dependants of such workers as may die as a result of accidents occurring in the factory or shop above mentioned and that such compensation amounts shall be a first charge on the immovable properties mentioned in the Schedule hereunder and that the above undertaking shall remain in force until all compensation payable hereunder have been fully paid and shall be binding upon us, our respective heirs, executors, administrators and assigns.

We, our heirs, executors, administrators and assigns jointly and severally undertake to keep the President of India indemnified against all claims that may

be made on behalf of workers dying as a result of accidents. In case the compensation awarded is paid to the dependants by us or by our heirs, executors, administrators and assigns the above written bond shall be void but otherwise it shall remain in full force and virtue.

It is hereby agreed that the liability of the sureties hereunder shall not be discharged by reason of time being granted or any other indulgence shown to the Principal(s) nor shall it be necessary for the President of India to sue the Principal(s) before suing the sureties for the amounts due hereunder.

SCHEDULE ABOVE REFERRED TO

(here full description of the immovable properties should be given).

.....
.....
.....

In witness whereof these presents have been duly executed on the
..... day of 19

.....
.....
.....

Full signature of Licensee

Father's name in full,

Age

Profession

Residence.....

Full signature of surety.....

Father's name in full.....

Age

Profession

Residence.....

Full signature of surety.....

Father's name in full.....

Age

Profession

Residence.....

Executed in my presence

Station.....

Collector.

Date.....

MINISTRY OF LABOUR

New Delhi, the 24th August 1955

S.R.O. 1894.—In pursuance of Section 27 of the Mines Act, 1952 (XXXV of 1952), the Central Government hereby publishes the report submitted to it under sub-section (4) of section 24 of the said Act, by the Court of Inquiry appointed to hold an enquiry into the causes of, and circumstances attending the accident which occurred at the Newton Chickli Colliery, Chhindwara, on the 10th December, 1954.

Introductory.—On the 10th December, 1954, the mine known as Incline No. 3 and Pit No. 6 of Newton Chickli Colliery, belonging to the Newton Chickli Collieries Limited, was inundated at about 10-30 A.M. There were 112 persons inside the mine then. Out of them, 49 were able to come up to the surface. The remaining persons numbering 63 were entrapped and drowned. Their names are given in *Annexure I.*

2. I was appointed by the Central Government to hold an enquiry into the causes of and circumstances attending the accident. The Government of India in the Ministry of Labour issued the following Notification in the *Gazette of India Extraordinary*, dated the 13th December 1954:—

"S.R.O. 3559.—In exercise of the powers conferred by section 24 of the Mines Act, 1952, the Central Government appoint Shri Justice V. R. Sen of the Nagpur High Court to hold an inquiry into the causes of, and circumstances attending, the accident, which occurred at the Newton Chickli Colliery, Chhindwara, on the 10th December 1954. The Central Government also appoint the following persons to act as assessors in holding the inquiry:—

- (1) Dr. W. S. Barlingay, M.P.,
- (2) Shri M. L. Shome, Chief Mining Engineer, Coal Board, Calcutta."

3. **Proceedings.**—On the 21st December 1954, I directed issue of a public notice inviting written statements from persons having knowledge of the accident or matters relevant to the enquiry. They were asked to file documents in support of their statements and to give the names and addresses of the witnesses whom they wished to examine. The notice was published in the daily papers and, it was also proclaimed by beat of drums in Parasia and in the Colliery areas. Special notices were issued to the Managing Director and the Manager of the Newton Chickli Colliery to submit their written statements regarding the causes of and circumstances attending the accident. Notices were also issued to the representatives of the organizations of the mine workers and other labour organizations in that area. It was notified that the Court of Enquiry would hold its first sitting on the 29th December 1954, at Chhindwara.

4. On the 29th December 1954 the following parties appeared before the Court:—

- (1) *Shri K. S. Mathur*, Manager, Newton Chickli Colliery, with his Counsel Shri M. Adhikari, Shri S. P. Kotval and Shri R. Y. Sirpurkar;
- (2) *Shri M. P. Roy*, Inspector of Mines, Circle No. 3, Chhindwara;
- (3) *Dr. Shrimati Seeta Parmanand*, Bar-at-Law, Member of the Rajya Sabha, and President of the Madhya Pradesh Rashtriya Koyal Khadan Mazdoor Sangh, I.N.T.U.C., Chandameta, with the Vice-President, Shri Baldeo Prasad Sharma;
- (4) *Shri O. P. Mehta*, President, Madhya Pradesh Mines Technical Workers and Staff Union, Chandameta;
- (5) *Shri R. K. Haldulkar*, President, C.P. Mine Workers Union, Chhindwara;
- (6) *Shri S. K. Sanyal*, of Madhya Pradesh Samyukta Khadan Mazdoor Sangh;
- (7) *Shri Mahendra Sen*, representative of the All India Trade Union Congress;
- (8) *Shri Sudhir Chandra Chakravarty*;
- (9) *Shri M. P. Tiwari*;
- (10) *Shri A. M. K. Arad*; and
- (11) *Shri Rupchand Rai*.

Written statements were filed by Nos. (4), (5), (6), (7), (8), (9), (10) and (11). Counsel on behalf of the Manager made an application for grant of time for filing his written statement and documents. He was directed to file statements by the 5th January, 1955. Shri Baldeo Prasad Sharma filed his statement on the 30th December, 1954. Shri Mahendra Sen filed a supplementary statement, dated the 4th January 1955, on the 5th January 1955. Nos. (8), (9), (10) and (11) did not appear at subsequent stages of the enquiry.

5. The mine was partially inspected on the 30th December 1954. It could not be inspected fully on account of the presence of considerable quantity of water and gas. It was decided to make further inspection on the 10th January 1955. We directed that photographs of the relevant spot should be taken under the guidance and supervision of the Inspector of Mines. [Annexure II, (a), (b) and (c).]*

6. Shri K. S. Mathur, Manager, Newton Chickli Colliery, filed his written statement on certain points with documents and list of witnesses on the 5th January 1955. He stated that the cause of the accident could not be determined until the area was completely dewatered and ventilation restored.

7. On the 10th January 1955, Shri S. S. Grewal, Chief Inspector of Mines, attended the hearing. He stated that the mine was not fit for inspection owing to the accumulation of carbon dioxide and that it would take at least a week more to make the place accessible with reasonable safety. In the circumstances, inspection was postponed. The Department of Mines was directed to inform me as soon as the mine was fit for inspection. The Chief Inspector of Mines requested for a fortnight's time to file his written statement which was allowed. The Managing Director was directed to file his statement by the 24th January 1955.

8. On the 20th January 1955, Shri Shome and I inspected the mine. Dr. Barlingay was unavoidably absent. We saw an opening which was about 4 ft. in height and 3 ft. in width. It was almost rectangular in shape and, it is through this opening that water from the abandoned mine rushed into the workings of Incline No. 3 and Pit No. 6. The photograph of the opening is Ex. 1-21, Annexure 2(c).* There were dead ends of two shot holes on the left side of the rectangular connection gallery. 12 shot holes varying in depth between 2½ to 3 feet in the face of No. 12 rise were noticed. All these holes obviously were drilled for blasting purposes, but left empty, presumably owing to the influx of water through the connection gallery.

9. Further time was allowed to the Department of Mines and the Colliery Manager to file written statements, as joint survey had not been completed. The Managing Director filed his written statement on the 22nd January 1955.

The case was fixed for recording evidence on the 10th February and subsequent dates at Parasia with the consent of all the parties.

10. On the 1st February 1955, Counsel for the Manager filed his written statement with certain documents. Dr. Barlingay and I inspected the mine on the 3rd February 1955. On the 4th February Shri M. P. Roy, Inspector of Mines, filed a written statement and documents for and on behalf of the Chief Inspector of Mines. On the 10th February 1955 the Manager, Shri Mathur, filed an additional written statement dealing, *inter alia*, with some of the points contained in the statement of Shri Roy filed on the 4th February 1955. The objection filed by the Manager on the 20th January to the appearance of persons named therein was disallowed by an order passed on the 10th February 1955.

11. 31 witnesses have been examined. Three of them, viz., Shri Vithal Rao (Witness No. 8), Member of the Parliament, Shri ~~Shahram~~ Mehta (Witness No. 18), Secretary of the Company, and Shri S. S. Grewal, (Witness No. 30), Chief Inspector of Mines, also filed written statements. Their names are given in Annexure III. 16 witnesses were examined between the 10th and the 18th February. The hearing had to be adjourned to the 10th March. 15 witnesses were examined from the 10th to the 17th March. Shri A. S. R. Chari, Senior Advocate of the Supreme Court, with Shri N. S. Giradkar, Advocate of the Bombay High Court, appeared on behalf of Shri O. P. Mehta, Shri Haldulkar, Shri Sanyal and Shri Mahendra Sen; and Shri S. N. Lokras, Public Prosecutor, Chhindwara, appeared on behalf of the Department of Mines, at the stage of examination of witnesses and arguments. Shri Chari addressed arguments on the 18th March. Counsel for the Management and the Department of Mines asked for time to submit written arguments. Time was allowed. The arguments of Dr. Shrimati Seeta Parmanand and, the Department of Mines were received by post on the 1st April 1955. The written arguments on behalf of the Manager were filed on the

*Not printed.

18th April 1955. Shri O. P. Mehta sent his reply to the Manager's arguments on the 29th April 1955. The Department of Mines asked for time till the 15th May 1955, to file a reply to the arguments on behalf of the Manager. The reply was received by post on the 14th May 1955.

12. On the 9th April 1955, the Manager sent a letter to the effect that Incline No. 3 and Pit No. 6 had been dewatered and, that the gallery in No. 2 Pit area could safely be inspected. Accordingly, on the 14th April 1955, Shri Shome and I inspected the mine including the offending gallery upto the 38 ft. 6 in. fault plane. Prolonged stay, however, was not possible in view of the presence of gas near the fault plane. Water was trickling through one of the twelve shot holes in the face of 12th rise. Considerable quantity of water was also coming through the connection gallery. Dr. Barlingay, who was unable to be present on the 14th April, inspected the mine on the 16th April.

13. *General Information.*—The Newton Chickli Collieries Ltd., is named after Captain Leonard Newton. The Colliery is situated at a distance of 19 miles from Chhindwara. The distance between the Colliery and Parasia, where a part of the enquiry was held, is about 2½ miles. Parasia lies on Amla-Parasia branch of the Central Railway and Chhindwara-Parasia branch of the Eastern Railway. A road known as Parasia-Matkuli Road, which is used by the public throughout the year, passes by the Colliery. There are several mines under the Managing Agency of Messrs. Shaw Wallace & Co. Ltd., adjacent to the Newton Chickli Colliery.

The Colliery is within the jurisdiction of the Inspector of Mines, Circle No. 3, whose office and residence are situated at Chhindwara.

14. Captain Newton originally worked as a Manager in a colliery under the management of Messrs. Shaw Wallace & Co. Ltd., during the First World War. Later he obtained a certificate of approval in his own name and left the service of Messrs. Shaw Wallace and Co. Ltd. He also obtained a prospecting license for several villages in the district of Chhindwara in the year 1920 including the village Chickli Kalan. He started mining operations in the Chickli Kalan on the 1st March 1921, and worked in partnership with some persons. On the 20th January 1922, a private limited company, known as Newton Chickli Collieries Ltd., was floated and Captain Newton became its first Managing Director. He worked in that capacity till the 15th May 1928, when Shri J. D. Flynn, a retired railway officer, purchased all the shares of Captain Newton and became the Managing Director of the Company with effect from the 18th May 1928. Shri Flynn worked in that capacity till his death which occurred on the 30th January 1934. He was succeeded by Shrimati D. N. Jackson who became the Managing Directress. She worked in that capacity till the 17th January 1946, when she sold her shares to Shri Kantilal Chimanlal Shah and others. Shri Kantilal Chimanlal Shah was elected as the Managing Director with effect from the 18th January 1946. His term was renewed every year till the 14th December 1951, when he was appointed Managing Director for a period of 5 years. He is a non-resident Managing Director.

15. The area of the leasehold is 3,050 acres out of which about 1,500 acres have been worked out. Three seams—top, bottom and third seam—have been proved. The top and the bottom seam are described by some witnesses as the first and second seam respectively. The top seam has a thickness of 8 to 9 feet while the thickness of the bottom seam is about 4 ft. 4 in. The bottom seam underlies the top seam with a parting which varies from 40 ft. to 42 ft. The third seam has a thickness of 5 ft. (including 1 ft. of black shale) and lies about 83 ft. below the bottom seam. The gradient of these seams varies from 1 in 20 to 1 in 32.

16. The top seam was working through Pits Nos. 1, 2, 3, 4 and 5 and, Inclines Nos. 1 and 2, which constituted one mine, between 1921 and 1933. The area was developed by driving galleries. This mine was abandoned on the 28th February 1953. The position of the aforesaid pits, inclines and the workings are shown in the plan Ex. M-1 by the letters A and A-1 (*Annexure IV*)*. The portion marked A was abandoned after depillaring in the year 1931 and the portion marked A-1 was abandoned after depillaring in the year 1933. After the abandonment, all the aforesaid pits and inclines were said to have been filled up to the ground level with ash and debris to prevent accident. The depth of Pit No. 2 was 150 ft. 6 in. After the inundation of No. 3 Incline area, the contents of this pit (Pit No. 2) sank down by about 65 ft. below the ground level. The report was made to the Inspector of Mines, No. 3 Circle, on the 11th December 1954, by the Colliery.

* Not printed.

17. In 1930, an area adjoining the aforesaid pits was opened and the top seam was worked through Pits Nos. 6 and 7 and No. 3 Incline. This mine was developed and later on depillared and abandoned on the 2nd September 1940. The workings are marked by the letter B in the plan Ex. M-1.*

18. A third mine was opened through Nos. 8 and 9 Pits and development work was started in the top seam in the year 1936. The top seam is still being worked. The position of these pits and outline of the workings are denoted by the letter C in Ex. M-1. The bottom seam is in the course of development and is marked by the letter D in Ex. M-1.*

19. A fourth mine was opened through Pits 10 and 11 which were sunk in 1938 and coal was touched in 1939. In this mine, the top seam is being developed and depillared. The position and outline of the workings are marked by the letter E in Ex. M-1. In August, 1944, when Shri Mathur took charge as Manager, two mines, viz., Pits Nos. 8 and 9, and 10 and 11, were working.

20. Mining operations commenced through Pits Nos. 12 and 13 in 1947. In this area, the top seam is being developed while two drifts have been driven to develop the bottom seam area.

21. There are many buildings on the surface marked by the letters A-1 and B in the plan Ex. M-1. They are said to have been constructed between 1921 and 1935. The Colliery had applied for a railway siding for their Pits Nos. 8 and 9, 10 and 11. The railway line was to pass over the old goaved area of the abandoned Pits Nos. 1 to 5. The railway siding came into existence in the middle of 1946 and there was no subsidence in this area. Ex. M-18 (*Annexure V*)* is an enlarged plan of a part of Ex. M-1* showing surface features of Pits 1 to 7 area.

22. At the end of 1949, the Management decided to work the bottom seam of Pit No. 6 and Incline No. 3. The work started on the 5th April 1950 (Ex. M-15).* Pit No. 6 was deepened and Incline No. 3 was extended upto the bottom seam. The workings in this mine have been laid out on 'Bord and Pillar' system. The galleries are 10 to 12 feet wide with pillars 45 to 65 feet, from centre to centre. The seam is about 4 $\frac{1}{2}$ ft. thick. The floor of some galleries has been cut to raise the height to 5 $\frac{1}{2}$ feet to facilitate tramping. The immediate roof overlying the coal seam consists of flaky shales. It appears that originally efforts were made to develop the bottom seam towards the dip side, but as the dip workings beyond the 23rd level met with a fault, the development work was stopped at the dip side and work was started on the rise side of Pit No. 6. The position and the outlines of the bottom seam workings in Pit No. 6 and Incline No. 3, which were flooded with water, are indicated by the letter F in Ex. M-1*.

23. Incline No. 3 and Pit No. 6 serve as two outlets for the mine as required by Regulation 53. The distance between them is 380 feet approximately on surface. The distance between the mouth of Incline No. 3 and the bottom of Incline No. 3 is about 700 feet. The distance from the bottom of Incline No. 3 to the place through which water entered the mine on the 10th December 1954, is about 1,370 feet measured along the travelling road. The average height of the roof beyond the bottom of Incline No. 3 is 4 $\frac{1}{2}$ feet. A person has to bend down while going from the bottom of Incline No. 3 to the 9th west level off 12th rise—the place of connection. A tram line has been laid in Incline No. 3 for haulage purposes and the haulage engine is driven by steam power. Incline No. 3 has a gradient of about 1 in 3 from its entrance to a distance of 575 feet. The remaining portion of the Incline (180 feet) dips at 1 in 4. Pit No. 6, which also passes through the top seam, has a depth of 217 feet upto the floor of the bottom seam. This pit (Pit No. 6) has been fitted with a head-gear with a pulley over which passes a winding rope of semi-locked type. A kibble, also known as 'Bucket', is attached to one end of this winding rope and a safety hook is also provided. The lowering and raising of this bucket is effected by an engine operated by steam power. This mine is ventilated by a mechanical ventilator fitted on the top of Pit No. 6. The Department of Mines had also permitted the maintenance of a crab-winch as a proper arrangement for persons to enter and come out of the mine through this pit. The bottom of Pit No. 6 is at a higher level than the bottom of No. 3 Incline. The mine was fitted with one electric pump, 1.5 Horse Power, which was installed at the bottom of Pit No. 6 about 3 or 4 months before the disaster. There was also a hand-pump for the dip workings.

24. At the material time, 4 mines were working under the management of Shri K. S. Mathur (Witness No. 1). Shri N. V. Pendse was in charge of Pits Nos.

* Not printed.

10 and 11 while Shri N. Mandal (Witness No. 13) was in charge of the workings in Pits Nos. 8 and 9, 13 and 6 and, Incline No. 3. The Chief Inspector of Mines in his letter, dated the 10th January 1955, has stated that the output of the Newton Chickli Colliery was 19,271, 16,006 and 17,763 tons for the months of September, October and November, 1954, respectively. The average output of coal from No. 3 Incline and Pit No. 6 is 2,500 tons approximately.

25. The office of the Colliery is at a distance of about 6 furlongs from the office of Incline No. 3 and Pit No. 6. In this building, the offices of the Managing Director, his Secretary, Manager and the Surveyor are located.

26. The present Manager of the Colliery is Shri K. S. Mathur (Witness No. 1) who took charge of his office on the 16th August 1944. When he joined in 1944, two mines, viz., Pits Nos. 8 and 9, and 10 and 11 were working. He holds a Diploma of the School of Mines and a First Class Colliery Manager's Certificate of Competency (Certificate No. 318). He is a Member of the Mining, Geological and Metallurgical Institute of India and an Associate Member of the Institute of Engineers. He worked with Messrs. Kilburn & Co. Ltd., in Kustore and Burragarh Collieries between 1931 and 1944. His predecessor-in-office was Shri R. G. Chatterjee who worked as Manager from about 1938 to the 15th August 1944. Thereafter he was appointed agent and served in that capacity till 1945 when he left the Colliery. Shri J. Erskine was the Colliery Manager in 1933 when Pits Nos. 1, 2, 3, 4 and 5, and Inclines Nos. 1 and 2 were abandoned. When Shri Mathur joined the Colliery, there were two Assistant Managers holding Second Class Colliery Manager's Certificates of Competency. They were (1) Shri Rizvi, and (2) Shri Laddha Ram Sharma. Shri Rizvi went away to Pakistan in 1947 and Shri Sharma died in March, 1952. Shri Rizvi was succeeded by Shri Shrivastava who left the Colliery in 1948. The present Assistant Managers are (i) Shri N. Mandal (Witness No. 13) and, (ii) Shri Pendse. They hold Second Class Colliery Manager's Certificates of Competency. Shri Mandal joined the Colliery in June 1952, while Shri Pendse joined 4 or 5 years ago. The Assistant Managers are Under-Managers for purposes of Byelaws 32 to 34. Shri K. S. Mathur was permitted by the Chief Inspector of Mines to manage all the mines.

27. **Surveyors.**—The present surveyor is Shri A. Majumdar (Witness No. 3). He holds a Mine Surveyor's Certificate of Competency which he obtained in 1945. He also holds Sirdar's and Shot-firer's Certificates. He is an Associate Member of the Mining, Geological and Metallurgical Institute of India and, a Fellow of the Geological, Mining and Metallurgical Society of India. He worked as a surveyor in Jharia for a year and thereafter joined the Newton Chickli Colliery on the 12th December 1946. The surveyors who worked in this Colliery previously were:

- (1) Shri K. C. Burman (From May 1928 till April 1937).
- (2) Shri J. C. Ghose (From 1937 till 1945).
- (3) Shri W. K. Shrotty (Between 1945 and 1946).
- (4) Shri P. S. Bhattacharya (Between 1945 and 1946).

Shri P. S. Bhattacharya left the service of the Colliery before the appointment of Shri Majumdar as surveyor. Shri Rizvi was placed in charge of the office of the surveyor pending the appointment of Shri Majumdar. There are two Assistant Surveyors who are holders of Surveyor's Certificate of Competency. They are Shri K. R. Chetty and Shri G. K. Choudhry. Shri K. C. Burman has been examined as a witness (Witness No. 31). Shri J. C. Ghose could not be examined as his address was not known.

28. The work in the Colliery used to be done in 3 relays; the first relay was from 6 A.M. to 2 P.M.; the second relay was from 2 P.M. to 10 P.M. and, the third relay was from 10 P.M. to 6 A.M. 12 holes were usually drilled in each gallery, but only 2 holes were fired or blasted at a time. After inspecting the area, the next 2 holes were fired. Coal was removed after all the holes had been fired. For blasting coal, gun powder was ordinarily used. When the working face is wet or, there are stone or, pyritic bands, high explosives are used. High explosive is more expensive than gun powder.

29. The names of persons who supervised the work in Incline No. 3 and Pit No. 6 between the 1st September 1954, and the 10th December 1954, are given in Annexure VI.

30. Shri K. S. Mathur was on leave from the 1st December till the 9th December 1954, in connection with his daughter's marriage which was performed on the 5th December. Shri Mandal, who was in charge of Incline No. 3 and Pit

No. 6, was granted 5 weeks' leave with effect from the 7th December 1954. Shri Ramlal Seth (Witness No. 17), Head Overman, was appointed in his place to supervise the work. He holds a Sirdar's Certificate.

31. *The Accident.*—On the 10th December 1954, in the first relay 112 persons entered Incline No. 3 and Pit No. 6 for work. The places where they were said to be working are shown in the plan Ex. 1-12 (*Annexure VII and VIIA*).* Shri Kharagram (Witness No. 20) was the Sirdar on duty during the first relay. He examined the workings and is said to have found them in order. At about 10-30 A.M., some of the workers heard a loud noise similar to the noise of the running amuck of coal tubs. Shri Panchan (Witness No. 15), Coal-cutter, says he heard a terrific noise as if the roof of the sky was falling. There was a sudden onrush of water into the underground workings of Pit No. 6 and Incline No. 3. Shri Ramlal Seth, Head Overman, who was in charge of the mine, was then at the siding of Incline No. 3. He immediately went down by Incline No. 3 upto the 1st rise of the bottom seam. He could not proceed further as water was flowing at high speed towards the incline. 50 men including Shri Ramlal Seth were able to come to the surface by Incline No. 3 before 12 A.M., but the remaining persons were engulfed by the onrush of water.

32. On the date of the disaster, the number of persons who lost their lives was estimated at 65. Later, the number was found to be 63. So far 62 bodies have been recovered. One of the men who lost his life was Shri Shyamal, Overman. He was in the service of the Colliery for over 20 years. Some of them could not be identified. The dates of recovery are stated in *Annexure I*. The places where the dead bodies were found are indicated in the plan Ex. M-4 (*Annexure VIII*)* prepared after the accident by Shri Hareram Mukherjee (Witness No. 29), Surveyor of the Mines Department, after a joint survey by him with Shri Majumdar. The position of shot-holes is also shown therein.

33. *Shri Mandal*, who was on leave, was in his house when the mine was inundated and, on seeing a large crowd near Incline No. 3, proceeded thereto. He saw many workers coming out of the mouth of Incline No. 3. He entered by Incline No. 3 and proceeded to the curve of No. 3 Incline and found that the Incline passage to the bottom seam was blocked by water. He immediately resumed duty. Shri Mathur was in his house, which is about 6 furlongs from Incline No. 3, when he received information of the disaster at 11-30 A.M. He went to the spot at about 11-45 A.M. He went down No. 6 shaft in the bucket along with Shri Gajanan (Witness No. 10), Overman. He found that the passage to the bottom seam from the shaft was also blocked and that water was rising very rapidly in the shaft.

34. The Managing Director, Shri K. C. Shah (Witness No. 12), was then at Newton Chickli. He reached the spot at about 11-40 A.M. and, immediately telephoned to the neighbouring collieries to render assistance. Shri M. P. Roy (Witness No. 27), Inspector of Mines, was informed by telephone. He was at Chhindwara. He came to the Colliery at about 3 P.M. Men from the neighbouring collieries arrived to render assistance. Pumps and other materials were obtained from different collieries. Pumps were installed. Water had risen to a height of about 74 ft. from the bottom seam. It started receding at about 7 P.M. On the 12th December 1954, the Chief Inspector of Mines arrived at about 9 A.M. at the Colliery and supervised the operations till the 19th December. The rescue operations are fully described in the statement, dated the 4th February 1955, of Shri M. P. Roy (*Annexure IX*)*.

35. On the 11th December 1954, Shri Mathur sent notice of the accident under Regulation 13 of the Indian Coal Mines Regulations, 1926, to the District Magistrate, Chhindwara. The notice stated that there was a sudden and unexpected rush of water which cut off the two outlets of the mine, that rescue operations were in progress and, the number of dead persons was 64. It, however, added that the number could not be definitely ascertained.

36. The Chief Inspector of Mines made a telephonic report at 4-30 P.M. on the 12th December 1954, to the Government. Thereafter a statement (Ex. 1-30), *Annexure X**, was made by the Minister for Labour in the Parliament on the 13th December 1954.

37. *Cause of the Accident.*—There is no doubt or dispute about the cause of the accident. The workings in Incline No. 3 and Pit No. 6 were inundated by water rushing through the opening at 9th west level off 12th rise where the

* Not printed.

gallery got connected with an old gallery driven from No. 2 Pit area, hereafter called the 'Offending gallery'. This offending gallery was connected with the disused water-logged top seam workings of Pits 1 to 5 and Inclines 1 and 2. The offending gallery measures 93 feet, according to Shri Roy.

38. Shri O. P. Mehta in paragraph 2 of his written statement, dated the 29th December 1955 has stated:—

"After working the top seam of the abandoned mine overlying No. 3 the inundated one, an upthrow fault was met and the top seam on the other side of the fault got thrown upwards. An effort to follow the top seam beyond the fault seems to have been made but owing to the wrong angle of the drift, they met the bottom seam, worked it a little and as the quality of bottom seam coal is low, high with ash content, and the seam is only 4½ feet and with lot of water—no electric pumps then to dewater, was abandoned as uneconomical working."

It may be pointed out that the cause of the disaster was given by Shri Mehta several days before the place of connection was inspected. Shri Mathur in his evidence says:

"I agree that the statement contained in paragraph 2 of the written statement filed on the 29th December 1954, by Shri O. P. Mehta is substantially correct."

39. The Inspector of Mines in the statement, dated the 4th February 1955, has assigned the following cause for the accident:

"No. 9 west level, after having been driven about 17 feet westwards from the centre line of No. 12 East Rise gallery, got connected with a narrow gallery or 'heading' measuring about 4½ ft. high and 6 ft. wide which had been driven from No. 2 Pit side and formed a part of the old workings of Nos. 1, 2, 3, 4 and 5 Pits and Nos. 1 and 2 Inclines which were all inter-connected. These old workings were abandoned on 28th February 1933. They got water-logged due to the 'make' of water through the strata during the last 22 years and it was this huge quantity of water which inundated the workings of No. 3 Incline after No. 9 west level off No. 12th rise (No. 3 Incline, bottom seam), got connected with the main heading. The connection was established by means of an opening 4 feet high and 3 feet wide almost near the centre of No. 9 west level gallery which was 10 feet wide. The thickness of the coal rib between the main heading and the face of No. 9 west level gallery was found to vary from 8 in. to 21 in. at the place where the connection was established. There was no fault or any other dislocation of strata at this point and, therefore, it was evident that the main heading had been driven in the same bottom seam in which No. 9 west level gallery was being driven from No. 3 Incline mine."

To the similar effect is the statement of the Chief Inspector of Mines (Paragraph 2).

40. Shri Mathur in the written statement (Paragraph 9), dated the 31st January 1955, has said:

"That the mine was inspected on the 11th January 1955. It was found that the water had burst into the mine through a hole about 4 ft. x 3 ft. in the 9th west level off the 12th rise. That subsequently it was discovered that the hole connected the 9th west level off the 12th rise with a gallery (which was not shown in the plan mentioned in paragraph 4 above) and consequently the undersigned was not aware of its existence. It now appears that the said gallery in its turn connects with the top seam of the mine 1, 2, 3, 4 and 5."

In his evidence, he says:

"The inundation was solely due to the breaking of the ribs at the face of 9th west level off 12th rise."

41. There is no evidence to show the exact circumstances under which the 9th west level got connected with the offending gallery, in No. 2 Pit area. Bindal and his son, Dularc, shot-firers, were allotted work in No. 9 west level and No. 12th

east rise galleries and they were working on the morning of the 10th December 1954, at No. 9 west level off 12th rise. They died as a result of the inundation of the mine (No. 3 Incline and Pit No. 6 area). The existence of dead ends of two shot holes in the 9th west level shows that this gallery like others were driven by blasting in the solid coal. According to Shri Roy, the connection might have been established either as a result of blasting or soon after blasting when the place was being dressed and coal was being removed from the face of the gallery. It was also possible, in his opinion, that the rib of coal which was only 8 in. thick gave way due to the pressure of water which might be of the order of 100 to 180 feet of water-head.

42. Shri Mathur in his written statement, dated the 10th February 1955, substantially accepts the cause of the accident assigned by the Inspector of Mines. He does not, however, accept the third alternative as to the mode in which the connection was established.

43. In our opinion, the opening was made and the connection established due to blasting of several shot holes in No. 9 west level off 12th rise on the morning of the 10th December 1954. The insignificant thickness of the coal rib, varying between 8 in. and 21 in. at the point of connection could not have kept back the water pressure behind it, nor could such a coal rib remain unshattered by the last blasting.

The rectangular shape of the connection was due to prominent vertical joints in the coal at the point of the connection. The area of the opening of the connection is barely 12 square feet. The old workings of the top seam relating to Nos. 1, 2, 3, 4 and 5 Pits were abandoned in 1953 after depillaring. Normal make of water gradually filled up the voids of the abandoned mine during all these years. It has been fully established that inundation occurred as a result of water rushing into the workings of Incline No. 3 and Pit No. 6 area through the opening at the face of 9th west level off 12th rise. It is further clear that there was a large mass of water which had accumulated in the abandoned mine. Some idea of the huge quantity of water can be gathered from the fact that the water rose to about 74 feet from the bottom seam in No. 6 Pit and, it took more than 3 months to dewater the mine completely even though several electric pumps were installed on and after the evening of the 10th December 1954, and were working almost continuously thereafter. Even on the 14th April 1955, we noticed water coming through the opening and through one of the shot holes in the face of the 12th rise. The photograph Ex. 1-21* and the plan Ex. M-4* show the place of connection [Annexure 2(c) and IV]*.

44. *Case of Shri Mathur and other parties.*—The case of Shri Mathur is that he was not aware of the existence of the offending gallery in the bottom seam of No. 2 Pit area and, the throw of the fault was 38 ft. 6 in., that he did not see the plans Exs. I-IA* and I-IB* before the disaster and that the plan Ex. M-2*, which he had consulted in 1949 at the time of preparing the layout plan of the bottom seam, did not reveal this gallery. He further stated that there was no indication that the workings were approaching a water-logged area and that the precautions laid down in Regulation 74 were not adopted as it had no application. There was no negligence on his part. The Department of Mines and other parties, on the other hand, say that the plans Exs. I-IA* and I-IB* were in possession of the Management and were known to Shri Mathur, that Ex. M-2 was an inaccurate copy, that there was seepage and, the working faces approaching the offending gallery were wet necessitating the use of high explosives and, that bore holes should have been made in accordance with Regulation 74.

45. *The Plans.*—The plans Exs. I-IA, I-IB, I-10, and M-2, (Annexures Nos. XI, XII, XIII and XIV)* have a very important bearing on the question whether the disaster could or could not have been prevented.

Exs. I-IA & I-IB.—Shri Mathur denies having seen Exs. I-IA* and I-IB* before the 29th December 1954. They were seized on the evening of the 10th December 1954, by Shri Roy from the office of Incline No. 3. They were brought to the Incline Office, according to the Management, by Shri Majumdar that evening in

* Not printed.

order to discuss the cause of the disaster with Shri Mandal and Shri Mathur. These plans Exs. I-IA* and I-IB* are of the workings in Inclines 1, 2 and 3, and Pits 1 to 7. They were made after actual survey by Shri Burman (Witness No. 31) in 1929, in accordance with the provisions of Regulation 15(2) which reads as follows:—

"The owner, agent or manager of every mine shall keep a plan of the workings of the mine. The position of the workings at the time of the last survey shall be shown by a dotted line drawn through the ends of the workings; such dotted line shall be marked with the date of the last survey. The plan shall also show all shaft and incline openings, all goaves, the boundaries of the underground leasehold, where possible, and all important features within the boundaries, such as railways, roads, rivers, streams, tanks, buildings and reservoirs which overline any part of the workings or any point within 600 feet of any part of the workings measured on the horizontal plane; also the general direction and rate of dip of the strata, the depth of every shaft, a section of the seam being worked and the position of all faults and dykes with the amount and direction of their throw. There shall be separate plan of the workings of each seams, and of each separate section of each seam."

Inclines 1 and 2 and Pits 1 to 5 constituted one mine and, Incline No. 3 and Pits 6 and 7 constituted the second mine. The plans Exs. I-IA* and I-IB* were originally in one sheet of the mounted paper and, the two pieces I-IA* and I-IB* constitutes one plan. Proper care of the plan was taken by Shri K. C. Burman. It was kept in a cylindrical tin-container. It was in good condition when Shri Burman left the Colliery in 1937. This plan used to be shown to the Mining Inspectors.

46. Ex. 1-10.—Ex. 1-10 (*Annexure XIII*)* is a copy of the plan of Pits 1, 2, 3, 4 and 5 and Inclines 1 and 2 which were abandoned in 1933. This plan has been produced by the Department of Mines. It was prepared by Shri Burman and was sent to the Chief Inspector of Mines on the 26th April 1933 (Ex. 1-28)* as an abandoned mine plan of No. 4 Pit. Shri N. G. Chatterjee, Junior Inspector of Mines, compared Ex. 1-10* with the original after a visit to the Colliery and found that they agreed. Ex. 1-29*, dated the 28th June 1933, is his report. Shri Chatterjee is dead.

47. Ex. M-2.—Ex. M-2 (*Annexure XIV*)* is a plan of the workings of the top seam of Pit No. 6 and Incline No. 3 area which was goaved and depillared in 1940. It also shows the workings in Pit No. 2 adjacent to Pit No. 5 area. It is not an original plan. It bears the endorsement 'Certified true copy' and the dates 1-7-1938 and 15-8-1939 in the handwriting of Shri J. C. Ghose.

48. The importance of the plans Exs. I-IA* and 1-10 lies in the fact that the offending gallery and the throw of the fault as 38'-6", of which knowledge is denied by Shri Mathur, are shown therein. The length of the gallery, however, as shown in the plan is 60 and not 93 feet according to Shri Roy. In Ex. 1-10 the throw of the fault was clearly mentioned as 38'-6". The figure "8" after 3 in Ex. I-IA* cannot be read now on account of its constant use in the enquiry. The figures were clear when Shri Roy and Shri S. S. Grewal studied the plan Ex. I-IA* on the 10th December, 1954. The figures were also clear when these plans were first produced before the Court. Shri Mathur had also noted the throw of the fault to be 38'-6" when he examined the plan on the 29th December, 1954. In his statement filed on the 10th February, 1955, he has stated:

"In the plan seized from Shri Majumdar the throw of the fault is shown as 38'-6" which appears to be wrong in view of other data."

We are not prepared to accept his testimony that the statement was based on the data contained in the plan of the abandoned mine Ex. 1-10*. The material portion denoting the offending gallery and the fault is enclosed in a red circle in Ex. I-IA* and Ex. 1-10*. The red circle and the arrow mark were made in

* Not printed.

the course of the enquiry. Shri Burman has stated that 'the representation of the working in red circle in Ex. 1—10* is the same as those enclosed in red circle in Ex. I-IA*'. Shri Majumdar says:

"The portion enclosed in red pencil in Ex. I-IA* is the same as the red portion in Ex. 1—10.*"

For facility of reference, we have prepared a copy of this portion (*Annexure XV*)* to demonstrate their identity.

49. The evidence of Shri Burman regarding the offending gallery and the throw of the fault is important. It is as follows:—

"The portion enclosed in red circle to the south of Incline No. 3 in Ex. I-IA* shows old workings upto the upthrow fault and the portion of the gallery driven below the fault level and, 3 galleries driven in 9 feet seam from the drifts..... The upthrow of the fault from No. 2 Pit side is 38' 6". The hatched portion in Ex. I-IA* and 1—10* represents the galleries driven on a higher level and driven through stone. The continuation of the drifts in coal is shown by two black lines as they are galleries in coal. The gallery connecting these two extensions is a gallery in coal in the top seam. The gallery within the red circle marked by an arrow was driven on a lower level from the fault and in coal beneath the galleries shown in Ex. I-IA* driven afterwards. When we touched the fault, we drove an exploratory gallery practically in the same level as the original gallery driven from No. 2 Pit side and we drove for some length. As the height of the seam did not increase, we drove an upward borehole and touched the 9' seam above the 40' of parting. We then took the fault to be an upthrow one and after taking proper reduced level, two rising drifts shown by hatched lines were started and coal touched beyond the fault on the upthrow side. The workings on the upthrow side were shown upto the date of last survey made by me..... The sinking of Pit No. 6 and driving of No. 3 Incline were commenced after the throw of the 38'-6" fault was proved, the intention was to separate the No. 6 Pit area from that of No. 2 Pit and with that object an adequate barrier was left between the old and the new workings. It was the intention of the Manager to leave a barrier and this I have shown in the plan Ex. I-IA.* The barrier was in the same seam."

50. It has been urged before us that the offending gallery should have been shown in a different ink, and that there was nothing in the plan to indicate that the offending gallery was in the bottom seam. The answer furnished by Shri Burman is as follows:—

"I thought that as two galleries crossed there by firm lines forming a square, it was clear enough to show that one gallery was above the other. The crossing of the gallery marked by the arrow and the gallery towards the south-east indicates that they were in different levels. The gallery marked by the arrow was on a level lower than the other which had crossed. It was not necessary for me to show by a different colour that the gallery with an arrow was on a lower level."

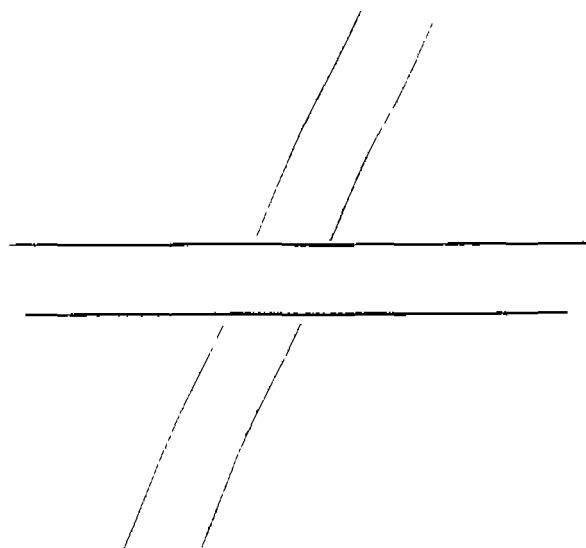
51. Shri J. W. Elliott (Witness No. 24) Chief Mining Engineer, Messrs. Shaw Wallace & Co. Ltd., stated that the offending gallery marked 'B' and the gallery marked 'A' in Ex. 1—10* were in two different horizons as the offending gallery crossed the gallery 'A'.

52. According to Shri Grewal, Chief Inspector of Mines, and Shri Elliott, Chief Mining Engineer of Messrs. Shaw Wallace & Co. Ltd., the galleries 'A' and 'B' in question should have been marked by different ink. In our opinion, the galleries as shown do not clearly represent their position. They should have been shown without a square block at the junction of crossing by continuous firm

* Not printed.

lines indicating the top seam gallery, and by discontinued lines for the bottom seam gallery at the same place (junction of crossing) as shown below:—

B



53. The use of different ink would merely indicate that the galleries were in different horizons. They would not, however, show which of them was above the other. For clear indications, they should be marked in the manner indicated above.

54. The mode adopted by Shri Burman in marking the offending gallery 'B' was not, however, the determining factor in finding out whether it was in the bottom or top seam of Pit No. 2 area. The decisive factor was the throw of the fault. It was 38'-0" almost equal to the parting which was 40' between the top and bottom seam.

55. Whether Shri Mathur had knowledge of the plans Exs. I-IA and I-IB? On the question whether Shri Mathur had knowledge of the plans Exs. I-IA* and I-IB*, we have the evidence of Shri Debasis Chatterjee (Witness No. 28), Evidence of Shri D. Chatterjee Paragraphs 55 to 58, who was Inspector of Mines, Circle No. 3, from the 10th August, 1950, till the 6th September, 1954; of Shri Mathur and Shri Majumdar. We shall first consider the evidence of Shri Chatterjee. He inspected the mine, Incline No. 3 and Pit No. 6, on the 13th June, 1951. On that occasion he is said to have discussed the mode of working the bottom seam of Incline No. 3 and Pit No. 6 and to have seen the plans Exs. I-IA* and I-IB*. He has deposed:

"He (Shri Mathur) said that he intended to leave a barrier more than 100 feet thick on the south side of Incline No. 3. I questioned him the purpose of leaving a barrier. He told me that the old abandoned workings of No. 2 Pit mine were beyond the proposed barrier. We considered it necessary to see the old plan in order to determine the thickness of the proposed barrier. The plan which was to be seen was of the working of No. 2 Pit on the top seam. During our discussion, Shri Majumdar, Surveyor of the Newton Chickli Colliery, was present. Shri Majumdar brought the old plan. They are Exs. I-IA* and I-IB*. They were in two pieces. Shri Mathur was present when the plans were brought. All three of us looked into these two plans I-IA* and I-IB*. Shri Majumdar (Witness identifies Shri Majumdar in Court) advised that a thick barrier should be left against the workings shown in red circle in Ex. I-IA* in the bottom seam of the same thickness as was left in the top seam".

* Not printed.

Shri Chatterjee did not see these plans in his subsequent inspections which he made in 1954.

56. Both Shri Mathur and Shri Majumdar have challenged the evidence of Shri Chatterjee in regard to the plans Exs. I-IA* and I-IB* and the question of leaving a barrier in the bottom seam. Apart from Shri Chatterjee, there is no other witness to prove that Shri Mathur had actual knowledge of the plans Exs. I-IA* and I-IB* before the date of disaster. On a careful consideration, we have come to the conclusion that it will not be safe to rely on the testimony of Shri Chatterjee. The point which strongly militates against his evidence is that in the statements of the Inspector of Mines and the Chief Inspector of Mines, the facts about Exs. I-IA* and I-IB*, as disclosed by Shri Chatterjee have not been mentioned. The explanation of Shri Mathur throughout has been that he did not know about the offending gallery and, the old plans Exs. I-IA* and I-IB*. He said so in his written statement filed on the 1st February, 1955:—

"That the undersigned was not aware of the existence of the gallery mentioned in the preceding paragraph or any other gallery excepting the two headings mentioned above."

Similarly, in his written statement filed on the 10th February, 1955, he stated:

"The gallery driven from No. 2 Pit side has not been shown in the plan that we were consulting and I have no knowledge or information of the existence of this gallery nor had I reason to suspect that any such gallery existed..... The undersigned was not aware of the existence of the plan of old workings 1, 2, 3, 4 and 5 Pits, 1 and 2 Inclines, and 6 and 7 Pits and 3 Incline, seized by Shri Roy from the Surveyor, Shri Majumdar. The Surveyor had also not informed him of the existence of the plan. Ghose's plan shows the upthrow as 7 feet."

In his evidence, Shri Mathur stated:

"This plan had never been brought to my notice (the reference was to the plan Ex. I-IA),"*

57. On the 10th January, 1955, the Chief Inspector of Mines was granted fortnight's time to file his written statement regarding the subject matter of the enquiry. On the 4th February, 1955, a written statement was filed by Shri Roy, Inspector of Mines, purporting to be on behalf of the Chief Inspector of Mines. The Chief Inspector of Mines himself filed his statement on the 12th March, 1955. In none of these statements, was there any reference to the fact that Shri Mathur had seen the plans Exs. I-IA* and I-IB* in June 1951, during the inspection of Shri Chatterjee. There is no cogent explanation for this vital omission. The plans were considered by Shri Roy to be important documents and hence their seizure on the 10th December, 1954, by him. These formed the subject of a discussion on the 12th December, 1954, shortly after the arrival of the Chief Inspector of Mines. Under the circumstances it is difficult to believe that the Chief Inspector of Mines would not have ascertained all facts bearing on the workings in the mine in question from Shri Chatterjee who was in charge of Circle No. 3, Chhindwara, from 1951 to the 5th September, 1954. He must have been asked before the written statements were filed if he had seen the plans Exs. I-IA* and I-IB* and, if he had discussed them with Shri Mathur. The Department of Mines had ample time at its disposal to make enquiries from Shri Chatterjee. Shri Chatterjee came to Parasia on the 14th February, 1955, and was present at Parasia on the subsequent days. It is true that he was not present inside the tent where the witnesses were being examined. He was asked to remain outside the tent. It is surprising that Shri Chatterjee did not then inform the Chief Inspector of Mines that he had seen the old plans Exs. I-IA* and I-IB* in June 1951. It may also be pointed out that Both Shri Chatterjee and the Chief Inspector of Mines were stationed in Dhanbad at the material time. If Shri Chatterjee had discussed the plans with Shri Mathur, the stand in the written statements filed by the Inspector and the Chief Inspector of Mines should have been that Shri Mathur had actually seen the plans Exs. I-IA* and I-IB*. This was, however, not the position as will appear from paragraph 8 of the statement of the Chief Inspector which is as follows:—

"The Management could and should have known of the existence of a major fault causing considerable displacement of strata in between No. 2 Pit area and of No. 3 Incline area from the following facts."

* Not printed.

Thereafter 5 facts are specified. It is significant that there is not even a suggestion that Shri Chatterjee had seen the plans in the presence of Shri Mathur. The explanation of Shri Chatterjee is that he saw the plans on the 18th February, 1955, after the enquiry had been adjourned. He then informed Shri Roy that he had seen the plans in June 1951. The matter was, however, not mentioned to Shri Lokras, Counsel for the Department. The explanation of Shri Chatterjee is that—

"It was decided by us (myself and Shri Roy) on the 18th night that I should arrive a few days before the commencement of the next sitting and discuss the matter with the Chief Inspector of Mines and the Public Prosecutor..... I did not tell Shri Lokras that I had seen the plans in the company of Shri Mathur and Shri Majumdar."

Shri Roy gives the following version:—

"I did not convey this information given by Shri Chatterjee to the Chief Inspector of Mines. I did not attach any importance to this information. Nor did I give this information to Shri Lokras. My reason why I did not consider the information important was that I had seized the original plans Exs. I-IA* and I-IB* from the office of the Pit on the night of the 10th December, the date of disaster."

We are not impressed with his explanation. The information given by Shri Chatterjee was important. According to the Chief Inspector, he learnt about the 12th March, 1955, from Shri Chatterjee that Shri Mathur had previously seen the plans.

58. Shri Majumdar was cross-examined on the 16th February, 1955, when Shri Chatterjee was present at Parasia. The attempt of the Department of Mines during the cross-examination of Shri Mathur and Shri Majumdar was that Shri Mathur must have known about the existence of the plans. Not one question was, however, put to them to establish that Shri Majumdar had shown the plans to Shri Chatterjee in the presence of Shri Mathur in June 1951. Even on the 10th March or, before the commencement of the examination of Shri Chatterjee on the 14th March, no request was made by the learned Counsel for the Department of Mines to permit further cross-examination of Shri Mathur and Shri Majumdar. The request was made after the examination in-chief of Shri Chatterjee was recorded and, I had pointed out that Shri Mathur and Shri Majumdar should have been cross-examined on the point of Shri Mathur seeing the plans in June 1951. Shri Chatterjee stated that Ex. M-2* was shown to him by Shri Majumdar in order to demonstrate that it was an inaccurate copy. In our opinion, there was no occasion to show the plan Ex. M-2* if the original plans Exs. I-IA* and I-IB* had been produced for the perusal of Shri Chatterjee. It was not likely that Shri Majumdar would bring to the notice of Shri Chatterjee that Ex. M-2* was an inaccurate plan. Shri Chatterjee has not made any reference to the plans or to the discussion in his Inspection Note Ex. I-22*. In view of the above infirmities, we do not consider it safe to rely on the uncorroborated oral testimony of Shri Chatterjee that the plans Exs. I-IA* and I-IB* were shown to him by Shri Majumdar in the presence of Shri Mathur. There is, however, no basis for the criticism of the conduct of the Chief Inspector of Mines contained in the written arguments submitted on behalf of the Manager that the impugned evidence was given by Shri Chatterjee at the instance of the Chief Inspector of Mines.

59. Evidence of Shri Mathur and Shri Majumdar.—The rejection of the testimony of Shri Chatterjee does not, however, imply acceptance of the evidence of Shri Mathur and Shri Majumdar to the effect that the plans Exs. I-IA* and I-IB* were not known to Shri Mathur. We now proceed to consider their evidence. The first point to be borne in mind is that they are highly interested witnesses. The second point is that the plans Exs. I-IA* and I-IB* were kept in the office of the Surveyor and were seized from the office of Incline No. 3 on the 10th December, 1954. The office of the Surveyor is a part of the office of the Manager. The room in which the plans were kept in an almirah is close to the room in which the Manager worked. Regulation 15 enjoins on the Manager and not the surveyor that he shall keep a plan of the workings of the mine. Shri Majumdar has stated:

"The Manager used to look into the papers, plans and maps of my office."

The plans, therefore, must be deemed to have been in possession of Shri Mathur though the actual custody was with Shri Majumdar.

* Not printed.

60. The plans Exs. I-IA* and I-IB* are the oldest plans relating to the workings of the colliery and were prepared in 1929 after actual underground survey. They represent the workings in Inclines Nos. 1, 2 and 3, and Pits Nos. 1, 2, 3, 4, 5, 6 and 7. They were in one sheet when Shri Burman handed over charge to Shri Ghose in 1937.

61. When Shri Mathur took charge of his office as Manager of the Colliery in August 1944, he must have looked into the plans relating to the previous workings of the Colliery. The importance of study of the colliery plans was stressed in the report of the Loyabad Coal Mines Disaster and, the Annual Report of the Chief Inspector of Mines for the year 1935. It was not possible for him to develop the mine and discharge his duties as a Manager unless he made a close study of all the previous workings in the Colliery. Assuming that he had not seen the plans in 1944, the point is whether he did not see them subsequently. In December, 1946, Shri Majumdar joined the Colliery. He was new to the job. Was it likely that he would not bring the plans Exs. I-IA* and I-IB* to the notice of Shri Mathur and obtain his instructions regarding their maintenance? He did not discard them, but kept them carefully in an almirah. There is no basis for the argument that between 1940 and 1946 somebody tried to eliminate the plan and tear it off. Plans are not torn in this fashion. Even on the admission of Shri Majumdar, these plans were consulted in 1949 at the time of preparation of Ex. I-6* and Ex. M-16* and in 1951 at the time of joint survey. Ex. M-16* was prepared and sent to the Director of Geology and Mining, Madhya Pradesh, Nagpur, in January 1950 in compliance with his request to furnish a plan of the workings. Ex. I-6* is the original of Ex. M-16 according to Shri Majumdar.

62. At the end of 1949 when it was decided to work the bottom seam in Incline No. 3 and Pit No. 6, the plans Exs. I-IA* and I-IB* which gave a complete picture of the workings must have been shown to Shri Mathur by Shri Majumdar. It is difficult to believe that the project plan, also known as the layout plan, was prepared on the basis of Ex. M-2* only. The explanation of Shri Mathur is that he did not see the original of Ex. M-2* and that the original could not be traced in his office. Shri Majumdar told him that he had not seen the original of Ex. M-2*. Shri Majumdar has stressed the importance of the plans in the following passage:

"It was necessary to make a close study of the workings shown in Exs. I-IA and I-IB* before the bottom seam in Incline No. 3 and Pit No. 6 area was worked. I did not study the plans. As I was not present when Mine No. 2 had been abandoned and was not acquainted with the workings in that mine, and as the bottom seam in Incline No. 3, Pit No. 6 area was to be worked, it was necessary for me as well as the Manager to make a careful examination of the workings as shown in the plans Ex. I-IA* and I-IB*."*

63. It is not explained by the Management why the plans, which were the most authentic record regarding the workings of the mines abandoned in 1933 and 1940, were not examined by the Surveyor and the Manager. They were kept in the almirah in the office of the Surveyor and there was no difficulty whatever in taking them out. They should have compared the plan Ex. M-2* with these plans and if they were satisfied that the plan Ex. M-2* was a true copy of the plans Exs. I-IA* and I-IB* in regard to the workings of No. 2 Pit area, they would have been justified in making their project plan on the data given in Ex. M-2*. Shri Mathur has stated that he had asked Shri Majumdar whether there were other plans in regard to the old workings and the reply of Shri Majumdar was that there were no other suitable plans. The question regarding the suitability of the plans had to be decided by Shri Mathur and not by Shri Majumdar. We do not think that Shri Majumdar would have taken the responsibility of keeping back these plans from the Manager. These plans were considered to be important by Shri Majumdar when he was asked to prepare the plans Exs. I-6* and M-16*. On that occasion he admits that he had made use of Ex. I-IB. He says:—

"I used two old plans while preparing the original of Ex. M-16. They are Ex. M-2, I-IA* and I-IB*. I mostly used Ex. M-2. I had no occasion to refer to these plans before I started making the plan Ex. I-6. In course of the preparation of the plan Ex. I-6*, I found that the workings in Pit No. 3 and No. 5 were not shown in Ex. M-2. I, therefore, consulted the old plans Exs. I-IA* and I-IB*. I do not remember if I had consulted both the plans, viz., Exs. I-IA* and I-IB*. I, however, remember that the position of the Pits 3 and 5 in Ex. I-IB* were not shown in M-2*. I, therefore, completed the*

* Not printed.

plan of the workings in Pits 3 and 5 in Ex. I-6* with the aid of Ex. I-1B*. The plan bears the date "22nd January 1950".

Having found that Ex. M-2* did not contain the details given in Exs. I-IA* and I-IB*, it does not seem likely that Shri Majumdar would make the project plan on the basis of Ex. M-2*. We are not prepared to accept the testimony of Shri Majumdar when he says that he did not show the plans Exs. I-IA* and I-IB* to Shri Mathur.

64. Shri R. G. Chatterjee was the Manager of the Colliery before Shri Mathur joined the Colliery. It was necessary for Shri Mathur to examine Shri R. G. Chatterjee and the surveyors who had worked in the Colliery previously between 1940 and 1946 in support of his evidence. If they had disclaimed all knowledge of the Plans Exs. I-IA* and I-IB*, the matter would have been different. Shri Mathur cannot give any reason for preparing the plan Ex. M-2*. Shri P. S. Chougaley, who actually traced Ex. M-2* from the original, has not been examined. The result is that on the question of want of knowledge, there is only the interested testimony of Shri Mathur and Shri Majumdar.

65. The argument which is put forward on behalf of the Manager is that if he had seen the plans and had noticed the offending gallery, he would have planned the workings in a different way and would not have invited disaster. It appears to us that Shri Mathur had seen the plans and noticed the throw of the fault to be 38'-6". Somehow, however, he did not consider the data to be reliable. He seems to have taken the view that the throw of the fault in question could not be 38'-6". It appears, he was obsessed with the view that the workings in No. 2 Pit area were in the top seam, that the throw of the fault could not be 38'-6", and there could not be such an 'abnormal variation'. His attitude is reflected in paragraph 6 of his written statement, dated the 10th February, 1955, and also in the written arguments submitted by his Counsel:-

"Therefore by no means of calculation or stretch of imagination could the top seam in No. 2 Pit area be taken to be in the same horizontal plane as the bottom seam in No. 6 Pit area..... Ghose's plan shows the upthrow (fault) as 7 feet. In the plan seized from Shri Majumdar the throw of the fault is shown as 38'-6" which appears to be wrong in view of other data".

(Paragraphs 5 and 6 of the written statement, dated the 10th February, 1955).

"No mining engineer will ever imagine that the extent of the throw of the fault at that spot would be 38 ft. 6 in. when on either side of it the throw was of 7 feet only. This can only be taken as a geological freak or a geological abnormality. In everyday life people consider only normalities and not freaks." (Written arguments).

In his evidence, he stated:

"I do not admit that the data contained in Ex. M-2* is incorrect even after studying the plans Exs. I-IA* and I-IB**."

66. There was no warrant whatever for rejecting the throw of the fault to be 38'-6" and for assuming that the throw of the fault would not be more than 7'. He (Shri Mathur) was not present when Pit No. 2 area was worked nor was the surveyor, who had drawn the plans Exs. I-IA* and I-IB*, in service. If Shri Mathur had any doubt, he should have obtained clarification from Shri Burman. He should have referred to the original plan of the abandoned mine. Assuming that the original plan of the abandoned mine was not available in the office, he should have obtained a copy (which he ultimately did after the disaster) from the Chief Inspector of Mines. It would not have taken more than a month to get the necessary plan. The work was undertaken on the 5th April, 1950, and Shri Mathur had thus ample time to get a certified copy of the plan and full information relating to the abandoned mine of Pit No. 2. We may here point out that the project plan and the calculations which were made according to the Manager and the Surveyor in 1950 have not been produced. If these had been produced, we would have been in a position to see if their basis was Ex. M-2*. The plans Exs. M-3*, M-5* to M-7* filed by Shri Mathur to illustrate the calculations have no evidentiary value as they were made after the disaster. The evidence of Shri Majumdar that the project plan was prepared in August or September 1950 is not in accord with that of Shri Mathur who states that the project plan was prepared in the beginning of 1950.

* Not printed.

67. If Shri Mathur had seen the plan of the abandoned mine, he would have noticed that the throw of the fault shown therein was 38'-6". In Ex. I-13 (Annexure XVI)* which is a blue-print of a plan prepared by Shri K. C. Burman in 1932, the throw of the fault is shown to be 38'-6". In 1934, an area of 34 acres was transferred to Messrs. Shaw Wallace & Co. Ltd. It appears that this plan was given at the time of transfer. Shri Slater (Witness No. 26), Chief Surveyor of Messrs. Shaw Wallace & Co. Ltd., produced it from his record. It could not, therefore, be assumed that the throw of the fault was wrongly shown as 38'-6" in Ex. I-IA.*

68. Another significant circumstance is that in the statement filed by Shri Mathur, there is no reference to the plans Exs. I-IA* and I-IB.* He knew that the plans were seized on the 10th December and that these plans were previously in possession of Shri Majumdar. In the written statements, a studious attempt has been made to show that the plan Ex. M-2* was the only plan which was used in the preparation of plans Exs. I-6* and M-16*. In paragraph 6 of the written statement, dated the 31st January, 1955, it is stated that Ex. I-6* and Ex. M-16* were prepared on the basis of Ex. M-2*. This is not correct as Shri Majumdar himself admits that at the time he prepared the plan Ex. I-6*, he had consulted both the plans, viz., Exs. I-IA* and I-IB*.

69. If the data given in Ex. I-IA* had not been ignored, the disaster could have been averted. Shri Mathur states:

"I agree that the disaster could have been averted if I had looked into the plan of the abandoned mine in which the throw of the fault is shown to be 38'-6"."

In our opinion, the evidence of Shri Mathur and Shri Majumdar that Shri Mathur did not know the existence of the plans Exs. I-IA* and I-IB* is interesting and unreliable. The plans must have been known to Shri Mathur. Shri Majumdar is clearly actuated by a desire to save the Manager and, take the entire blame on himself. Shri Majumdar is contradicted by the evidence of Shri Slater in regard to the time when he brought the plans to the Incline Office. This point is discussed later in the report. If he did not show the plans Exs. I-IA* and I-IB* to Shri Mathur, we would expect that Shri Mathur would call upon Shri Majumdar to explain his conduct in withholding the plans containing vital information. Shri Mathur admits that he did not take any explanation. His inaction points to his consciousness of having seen the plans previously.

70. There is one circumstance on which reliance is placed by learned Counsel for the workmen, viz., that the plans Exs. I-IA* and I-IB* were seized on the 10th December, 1954, from the office of Incline No. 3. It is argued that these plans were always kept in the office of Incline No. 3, and that the story of Shri Majumdar that he had brought them for consultation with Shri Mathur and Shri Mandal in the evening on the date of the accident is untrue. The Manager, as also the Assistant Manager, it is said, must have seen these plan before the date of the accident whenever they came to inspect the under-ground workings in Incline No. 3 and Pit No. 6. The latter condition of the plans is ascribed to their frequent use.

71. In our opinion, the plans Exs. I-IA* and I-IB* were ordinarily kept in the Colliery Office, and not in the office of Incline No. 3. There is no reason why they should have been kept in the office of Incline No. 3 as they related to the old workings of Pits 1 to 5 and Inclines 1 and 2. They would not be of any assistance regarding the day-to-day workings of the bottom seam of Incline No. 3 area. They were brought by Shri Majumdar after the inundation. Shri Majumdar gives the following account:—

"I started examination of the plan Ex. M-2* which I had previously been using. I could not on a study of the plan discover the cause of inundation in spite of my repeated attempts. I was much upset and after an hour it struck me that there was an old plan lying among old papers in the almirah. By this time, it was getting dark and the electric supply was cut off. I was much confused and I could not rely on my judgment. I, therefore, took out the plans Exs. I-IA* and I-IB* from the almirah. With these plans I left for Incline No. 3 for a discussion with the Assistant Manager and the Manager. I met Shri Mandal, Assistant Manager of the Incline. I entered the office and was about to show the plans to Shri Mandal. At this time,

* Not printed.

Shri Roy came in and seized the plans from me. I had also taken the plan Ex. 1-2* with me which was also seized by him. I took the old plans Exs. 1-1A* and 1-1B* in order to determine the cause of inundation."

We do not fully accept the version given by Shri Majumdar particularly in regard to the time of taking the plans to Incline No. 3 office. Shri Slater came to Newton Chickli after receiving information about the inundation. He went to the office of Incline No. 3 and his evidence is as follows:—

"On the 10th when I visited the mine, I saw a plan in the token office of Incline No. 3. The attendance clerk showed me the plan. It was about 4 p.m. when I saw the plan. When I saw the plan, I do not think I saw Shri Majumdar, Surveyor of the Newton Chickli Colliery. I saw him at the surface. I did not know Shri Mandal, Assistant Manager, then. I asked the attendance clerk if I could see the plan. The plan was on the table of the office. I opened it and examined it. I saw it for about 5 minutes..... No one else was present when I examined the plan..... The plan which I had seen was an old plan prepared on mounted paper and it was of No. 1 seam of Incline No. 3. Ex. 1-1A* is the plan which I had seen and examined. It was almost in the same condition as it is today. Immediately after I saw the plan, I formed my opinion regarding the cause of the disaster."

There can be no doubt that Shri Slater had actually seen the plan Ex. 1-1A* as he discussed the cause of the inundation with Shri J. W. Elliott on the 16th December, 1954. On that occasion, Shri Slater had drawn a sketch in which the throw of the fault was shown to be 38' 6". In his evidence, Shri Slater states:

"I drew the sketch section in which I had shown the fault to be 38'-6". That information I had derived from Ex. 1-1A* which I have seen on the 10th December, 1954."

His evidence receives support from the testimony of Shri Elliott who says:

"I discussed the question of inundation in Pit No. 6, Incline No. 3, with Shri Slater, Chief Surveyor. This was a month before the discussion with Shri Mathur. It was perhaps on the 15th December, 1954. The Chief Surveyor had drawn a sketch and, had shown therein the throw of the supposed fault of 38 or 39 feet between the workings of the abandoned mine and the new workings approaching thereto."

Our view is that the plans Exs. 1-1A* and 1-1B* were kept in the Colliery Office as required by Regulation 15(4) and were brought by Shri Majumdar to the office of Incline No. 3 before 4 P.M. on the date of the accident.

72. In our opinion, Shri Mathur had knowledge of the plans Exs. 1-1A* and 1-1B* when he decided to work the bottom seam in Incline No. 3 and Pit No. 6. It has been urged on behalf of Shri Mathur that mere possession of the plans by Shri Majumdar did not imply that he had studied them closely. It is contended that Shri Majumdar had failed to notice the offending gallery and that the throw of the fault was 38'-6". The argument is untenable. The contention that the manager or the surveyor did not study the plans even though they were in their possession and were relevant for planning future workings cannot be accepted. The basis of such a plea being negligence must be rejected.

73. Did Shri Mathur act on the plan Ex. M-2 and was he so justified?—We now proceed to examine the case of Shri Mathur on the basis that he had not seen the plans Exs. 1-1A* and 1-1B* before the 29th December, 1954 and that the plan Ex. M-2* was the only plan on which he planned his workings in the bottom seam of Pit No. 6 and Incline No. 3. The question is whether Shri Mathur was justified in acting on the data given in Ex. M-2*. The plan Ex. M-2* is not an original plan. It is a plan of the underground workings relating to the top seam of Pit No. 6 and Incline No. 3 which was depillared, goaved and abandoned in 1940. It also shows a part of the workings in No. 2 Pit area enclosed in a green circle marked by the letter 'C' (the green circle was made in course of the Enquiry). It was certified as a true copy by Shri J. C. Ghose on the 1st July, 1938. Its original has not been produced. The stand of Shri Mathur is that the offending gallery is not shown in the portion enclosed in the green circle in Ex. M-2* and that the throw of the fault was not shown to be 38'-6".

* Not printed.

74. Even a superficial examination of the plan Ex. M-2 should have put Shri Mathur on guard as regards its accuracy. The important portion which was relevant for laying the workings in the bottom seam of Pit No. 6 and Incline No. 3 was the portion enclosed in the green circle. This portion has not been properly traced and it is in free-hand drawing. There is nothing to indicate that the portion marked 'C' was traced from any original plan. Ex. M-2* also does not mention the plan from which it was copied. It may be that Shri J. C. Ghose made an endorsement certifying the correctness of the plan as a true copy in respect of the workings in the top seam in Pit No. 6 and Incline No. 3 to the north of the portion enclosed in green pencil. That endorsement should not have been taken to mean that the portion enclosed in the green circle was a true copy of the corresponding portion in the original plan.

75. Shri Mathur says that he saw the plan Ex. M-2 for the first time in 1949 at the time of laying the workings in the bottom seam. At that time, Shri Ghose was not in the service of the Colliery and there was no one to explain the circumstances under which Ex. M-2* was prepared and the portion enclosed in green circle was drawn in freehand. The plan Ex. M-2* was not traced by Shri Ghose, but by Shri P. S. Chougaley. Shri Mathur has not examined Shri Chougaley. It is not his case that he had questioned Shri Chougaley about the plan from which Ex. M-2 had been traced. It does not appear that Shri Chougaley was in the service of the Colliery when the project plan was prepared. In the circumstance the obvious duty of Shri Mathur was to make a search for the original of Ex. M-2*. No genuine search, however, was made. Shri Mathur says that he had questioned Shri Majumdar and the latter told him that he had not seen the original. This was all the enquiry that he made in respect of the original plan.

76. Mining is a hazardous occupation. Regulations and bye-laws have been framed in order to ensure that the risks are reduced to a minimum. It is the duty of the Manager to comply strictly with the Regulations, rules and bye-laws. He is personally responsible for all mining operations and must, therefore, be thoroughly acquainted with the history of the Colliery which he is called upon to manage. In order that he should be able to discharge his onerous duties, it is essential that he should make a careful study of all the relevant plans and documents relating to the workings of the colliery including the workings of abandoned mines.

77. The importance of plans was emphasised in the report on the fatal accident which occurred on the 15th January, 1935, at Loyabad Colliery of the Burراكur Coal Company. Due to irruption of water 11 persons were drowned. The primary cause of the accident was the absence of a complete plan of the old workings. The original plans used to be kept in the Central Office at Sijua and the Manager did not compare the copy with the original. The report states:

"It is essential that every new manager who takes charge of a mine, particularly a large one, as Loyabad Colliery is, should have a complete and accurate knowledge of the history and the present condition of the mine.

Special attention to the plans of the mine is necessary, and one of the first duties of a manager when he takes charge should be to examine carefully all the available plans.

The Manager accepted copies of plans sent to him as being correct. The event has shown that he was wrong in that assumption.

Moreover, the manager himself should have ready access to the original plans, and in case where he has any reasonable cause for doubt and particularly where old workings which may contain water or gas are concerned, he should himself compare his working plan with the original."

78. The Chief Inspector of Mines appended the following note to the report:

"The attention of all managers of mines is invited to the circumstances of the above accident and in particular to the recommendations for the prevention of similar accidents."

In his annual report for the year ending the 31st December, 1954, reference was made to the result of the enquiry at pages 30-34. Byelaw 35-A, which reads as follows, was added as a result of the enquiry:—

"All tracings and copies of colliery plans shall be signed by the colliery surveyor and certified by him thereon to be true copies."

* Not printed.

Shri Mathur must have read both the reports before he assumed charge of the Newton Chickli Colliery. He should have, therefore, equipped himself with the knowledge of the workings of abandoned mine based on a study of the relevant plans.

79. Shri Mathur appeared to have some doubt at one stage about the accuracy of the plan Ex. M-2*. It was for this reason that he is said to have asked Shri Majumdar to produce other plans at the time of preparing the layout plan of the workings in the bottom seam of Pit No. 6 and Incline No. 3. The answer of Shri Majumdar was that there was no other plan of the old workings except Ex. M-2* and that there was no other suitable plan. It is difficult to believe that Shri Majumdar would make such a statement to Shri Mathur when he had in his possession the statutory plans Exs. 1-1A and 1-1B*. Granting that Shri Majumdar gave this information, Shri Mathur should have asked Shri Majumdar to produce all the plans for his inspection in order to decide about the correctness of Ex. M-2*. He cannot invoke the aid of byelaw 35-A in view of the unreliable features appearing on the face of Ex. M-2*.

80. No effort was made by Shri Mathur to trace the statutory plans relating to the workings of the mine which was abandoned in 1933. Assuming that Shri Mathur did not find the original of Ex. M-2* what should he have done? He should have known that a plan of the abandoned mine has to be sent to the Chief Inspector of Mines under Regulation 17 which reads as follows:—

"Where any mine or seam is abandoned, or the working thereof has been discontinued over a period exceeding one year, the person who was the owner of the mine at the time of the abandonment or discontinuance, shall, within three months after the abandonment or within fifteen months after the discontinuance of working, as the case may be, send to the Chief Inspector accurate plans and sections of the workings of the mine or seam up to the time of the abandonment or discontinuance, showing the pillars of coal remaining unworked and all other features required in compliance with these regulations, or a true and accurate copy of the same."

He should have tried to trace the original of the plan that was sent to the Chief Inspector. The original plan of the abandoned mine must have been kept in the office of the Colliery. What happened to it? There is no explanation beyond the bald statement that the records prior to 1940 are not available. Granting that it was not available in his office, Shri Mathur should have obtained a copy thereof from the office of the Chief Inspector of Mines. It is not disputed that the copy of the plan of the abandoned mine Ex. 1-10* shows the offending gallery as also the throw of the fault. It corresponds with the portion enclosed in red circle which is in the plan Ex. 1-1A* seized by the Inspector of Mines from Shri Majumdar on the date of the accident. Had Shri Mathur obtained a copy of the plan of the abandoned mine, the inaccuracy of the plan Ex. M-2* could have been easily detected.

81. Shri Majumdar has made the following statement regarding the incorrectness of Ex. M-2*:—*

"I know that Ex. 1-1A* and 1-1B* was the original plan required to be maintained under Regulation 15(2). Now I find that Ex. M-2 is not a correct copy of the plan Exs. 1-1A* and 1-1B*. I find now that some portion enclosed in red circle in Ex. 1-1A* is not shown in the corresponding portion marked in green pencil in Ex. M-2.* This omission has betrayed me. I am convinced now that Ex. M-2* did not represent correctly the workings in No. 2 and No. 6 pit areas. It was my duty to take the original of Ex. M-2* as the basis for making my plans and surveys and not Ex. M-2.*"

Shri Mathur states as follows:—

"The portion marked C in the Plan M-2* does not contain details as given in M-4.* The blue lines in Ex. M-4* across the workings shown in red lines represent lines of fault. Only two lines of fault are shown in Ex. M-2 while in M-4* the number of lines of fault is 5. In M-4* the hatched lines represent the drifts through stones. There are two drifts shown. These drifts are not shown in Ex. M-2*. Ex. M-4* is a true copy of Ex. 1-1A* in respect of the workings round about Pit No. 2..... The portion marked C in Ex. M-2* is not a true and complete tracing of the relevant portion in the original plan. I cannot

* Not printed.

state the purpose for which Shri Ghose had prepared the plan Ex. M-2."*

82. Ex. M-2 also gave an incomplete picture of the workings in the top seam in Pits Nos. 6 and 7 and Incline No. 3, as it did not show the workings between the 15th January, 1939, and the 16th July, 1940, when the mine was abandoned. Shri Mathur made an unsuccessful attempt to prove that the workings in that period were shown in Ex. M-2.* He was asked to point them out, but he could not show them on the plan.

83. Shri Elliott, on whose testimony strong reliance has been placed, on behalf of the Manager has deposed:—

"I would consult the original plan with the Surveyor while working the area approaching an abandoned mine..... There are some mines which have been abandoned by Shaw Wallace & Co. I am working certain mines near some of those abandoned mines. Some of the mines were abandoned before I joined and others thereafter. I have looked into the original plans and papers relating to the abandoned mine in working the new mine."

He consulted the original plans. The same course should have been followed by Shri Mathur. The reason for studying the plan of an abandoned mine is that such a mine is a potential source of danger to the approaching workings. Shri Mathur says:

"I agree that a mine which has been abandoned for some years becomes a reservoir of water."

Shri Elliott has stated:

"I agree that abandoned mines are usually filled up with water."

The Chief Inspector also says that an abandoned mine constitutes a potential danger. In the instant case, there was a huge mass of water in the abandoned mine. The large quantity of water which had accumulated can be judged from the fact that the water in Pit No. 6 area rose to within 143 feet from the surface and it took 3½ months to dewater the mine.

84. It was the duty of the Manager to take all reasonable precautions against inundation while his workings approached the abandoned mine. If Shri Mathur had taken the trouble to see the plan of the abandoned mine, he would have discovered the existence of the offending gallery and, the extent of the upthrust fault, assuming that he had no knowledge of Exs. 1-1A* and 1-1B.* He admits that if he had known the gallery, he would have adopted the precautions laid down in Regulation 74. This disaster could have been averted if Shri Mathur had faithfully discharged the serious responsibilities of his office. His attitude throughout has been of complacency as will appear from the following passage in his evidence:

"I did not try to find out the original (of Ex. M-2)* as the copy contained all material information..... It is not the duty of the Manager to make a search of all the plans that may be lying in the office..... I did not make any attempt to see the plan that had been sent to the Chief Inspector of Mines as Ex. M-2* contained all the relevant materials required for working the bottom seam in Incline No. 3, Pit No. 6."

85. Shri Mathur was asked by me to produce the originals of Ex. M-2* and Ex. 1-10*. In his reply, dated the 7th May, 1955, he says:

"This is to submit that the originals of Ex. M-2* and Ex. 1-10* have not been found in our Survey office in spite of a thorough search. Ex. M-2* is probably a tracing of Ex. 1-1A* and 1-1B*. It was not possible to ascertain this until I compared it in the Court on the 5th May, 1955. Similarly, I believe Ex. 1-10 is also a tracing of a part of the said plan."

In our opinion, Ex. M-2 is not a correct copy of Ex. 1-1A* and was not the basis of the project plan.

86. The case of the Manager is that in November 1949, the Director of Geology and Mining asked the Management to furnish plans of mines. The Manager asked Shri Majumdar to prepare plans. Accordingly Ex. 1-6* (Annexure XVII)* and its copy Ex. M-16* (Annexure XVIII)* were made. On or about the 22nd January 1950, Ex. M-16* was sent to the Director. Again, in 1954, a plan Ex. 1-8* and its copy Ex. M-17* were prepared in compliance with the request of the Director. Ex. M-16* has been produced by the Director in this Enquiry at the instance of the

* Not printed.

Manager. Ex. 1-6* was seized from the Colliery by the Mines Department on the 16th December, 1954. In preparing Ex. M-16*, Shri Majumdar had occasion to consult Exs. 1-1A* and 1-1B*. He, however, maintains that mostly Ex. M-2* was used in the preparation of the plan Ex. 1-6.*

87. A comparison of the plans Exs. M-2,* 1-6* and M-16* reveals difference in regard to the gallery enclosed in green circle in Ex. M-2.* If Ex. M-16* and Ex. 1-6* were prepared from Ex. M-2*, the representation of the galleries in question should have been identical. On comparing the Exs. 1-6* and M-16,* the following facts are revealed—

The fault on the North of Pit No. 2 and continuation of the same to the East and West in Ex. 1-6* is shown as having 7 ft., 7 ft., 18 ft. and 38 ft., throw at different places, whereas the same fault in the blue-print, Ex. M-16* which according to the Surveyor is a copy of Ex. 1-6* shows 58 ft. and 58 ft. at places where 18 ft. and 38 ft. are shown in Ex. 1-6. The markings of 7' and 7' do not appear at all in the blue-print. This shows that Ex. 1-6* did not have 7' and 7' markings on it when the blue-print Ex. M-16* was prepared from it.

88. From a scrutiny of Ex. 1-6,* it appears alterations have been made at the places where 18' and 38' are written on this tracing (1-6). The marking of 7' and 7' at different points on this fault and the alterations of 58' and, 58' throw at other points by 18' and, 38' respectively appear to have been done after the preparation of the blue-print. The difference is illustrated in Annexure XIX. We are not satisfied that Ex. M-2* was the real basis for the preparation of the plans Exs. M-16* and 1-6* or of the project plan.

89. *Application of Regulation 74.*—An abandoned mine constitutes a source of danger to an adjoining mine as in course of time it becomes a reservoir of water. The workings in the abandoned mine becomes water-logged due to make of water through the strata. In the present case, the mine, viz., Pits Nos. 1, 2, 3, 4 and 5, and Inclines 1 and 2, was abandoned on the 28th February 1933. A huge quantity of water had accumulated during the last 21 years. In order to prevent irruption of water, certain precautions have got to be adopted. These precautions are prescribed in Regulation 74 of the Indian Coal Mines Regulations, 1926, which were framed by the Government in exercise of the powers under section 29 of the Indian Mines Act, 1923 (IV of 1923). Regulation 74 reads as follows:—

"Where any working has approached within 100 ft. of any place containing or likely to contain an accumulation of water or other liquid matter, or within 100 feet of disused working (not being workings which have been examined and found to be free from accumulation of water or other liquid matter) the working shall not exceed 8 feet in width or height, and there shall be maintained at least one bore-hole near the centre of the working face, and sufficient flank bore-holes on each side, and where necessary, bore-holes above and below the working, at intervals of not more than 15 feet. All such bore-holes shall be and shall be constantly maintained at sufficient distance in advance of the working and such distance shall in no case be less than 10 feet."

In order to guard against danger arising out of inaccurate or incomplete plans, Regulation 74 has been framed.

90. The precautions laid down in Regulation 74 were not adopted by the Management when the workings in the bottom seam in Incline No. 3 and Pit No. 6 were approaching within 100 feet of the abandoned mine. The workings in 9th west level off 12th rise, 10th east level off 11th rise, 11th rise off 10th east level, 11th east level off 12th rise, 10th rise off 11th east level and 12th rise off 9th level had been extended towards and within 100 feet of the disused workings of Pit No. 2 area. The workings were not kept within the limit, viz., 8 feet in width or height and bore-holes were not maintained in the manner prescribed by the Regulation.

91. Shri M. P. Roy, Inspector of Mines, No. 3 Circle, in his written statement dated the 4th February, 1955, has stated:

"My inspection of the site of the accident and the study of the survey work conducted after the occurrence clearly revealed that the main heading had been driven in the bottom seam. It was also revealed that requirements of Regulation 74 were not observed while working within 100 feet of the water-logged workings. We carefully inspected all the other galleries within 100 feet of the place of accident but found no evidence of any bore-hole having been put under Regulation 74."

* Not printed.

This statement was not controverted on behalf of the Management. There is evidence in support of the statement. Shri Hareram Mukherjee (Witness No. 27), who had made a joint survey after the disaster, has stated:

"I did not find any advance bore-holes in the face or any gallery."

92. Shri Mathur in his evidence has stated:

"I did not take any precaution while approaching Pit No. 2 goaf from Pit No. 6 area. The reason for not taking the precaution was that Regulation 74 in my opinion was not applicable..... I would have adopted the precautions laid down in Regulation 74 if I had known about the existence of this gallery in the bottom seam."

The reason advanced by him for not adopting the precautions laid down in Regulation 74 was—

"Regulation 74 contemplates that the precautions mentioned therein have to be adopted where the workings are in the same seam, the same horizontal plane or separated by a strata less than 10 feet."

Shri Mathur relies on the following passage in the evidence of Shri Elliott:—

"I interpret Regulation 74 to mean that if the workings in a seam are approaching within 100 feet of an accumulation of water which lies in the same plane or seam, then the precautions as stated in the Regulation should be observed."

Shri Elliott has stated that his opinion is based on the difference in the language of section 68 of the British Coal Mines Act, 1911, and Regulation 74 of the Indian Coal Mines Regulations, 1926, and the practice in the mining industry. He further added:

"I have no authority in support of my view." Shri Mathur has also admitted:

"The conditions which attract the provisions of Regulation 74 about which I deposed yesterday are not stated in Regulation 74 or any other Regulation."

93. The interpretation of Regulation 74 given by Shri Mathur and Shri Elliott is disputed on behalf of the Department of Mines and Workers who say that the Regulation applies irrespective of the consideration whether the workings are in the same plane or seam or not.

94. We are not prepared to accept the interpretation of Shri Mathur and Shri Elliott as it is not warranted by the language used in Regulation 74. It is a well-known principle of the construction of statutes that the Court should adhere to the words actually used in the statute and not depart from its plain meaning by introducing certain words or phrases which are not there. If a statute does not convey any meaning or is ambiguous, there may be justification for adding certain words. The language of Regulation 74, however, is clear. Construed in its ordinary grammatical sense, it is not possible to read any such qualification or limitation in the Regulation suggested on behalf of the Management.

95. It has been urged on behalf of the Management that Regulation 74 should be read along with Regulation 75 and if they are so read, it would appear that Regulation 74 is meant to apply to workings in the same seam and, Regulation 75 to workings in a different seam. It is further urged that in case Regulation 74 is interpreted otherwise, Regulation 75 would be wholly redundant. It is no doubt true that in construing a statute, its various provisions should be so construed as not to render any of them either redundant or nugatory, but we do not think that there is any conflict between Regulations 74 and 75. The terms of Regulation 75 are as follows:—

"Where work is being done in any seam or part of a seam below another seam or part of a seam which contains or may contain an accumulation of water, or where work is being done in an upper seam or part of an upper seam which is at a lower level than any part of a lower seam which contains or may contain an accumulation of water, adequate precautions shall be taken against such an irruption of water into the seam where work is being done as would be likely to endanger the lives of the workmen in the mine."

The principal features of the two Regulations under consideration are as follows:—

- (i) Regulation 74 refers to any place or disused workings containing or likely to contain water, whereas Regulation 75 refers to work in the lower or upper seam which contains or may contain water.

(ii) Regulation 74 prescribes specific precautions to be taken, whereas Regulation 75 only says that adequate precautions shall be taken.

96. It has been argued on behalf of the Management that the interpretation given by Shri Mathur has been commonly accepted by the Managers and they are working on this basis. In his letter, dated the 22nd April 1955, Shri Mathur states:

"The names of the adjoining Collieries which are working the lower seam below the goaved top seam are:

- (1) Jatachhapa Colliery belonging to Messrs. Shaw Wallace & Co. Ltd.
- (2) Chandameta Colliery belonging to Messrs. Shaw Wallace & Co. Ltd.
- (3) Barkui East Colliery belonging to Messrs. K.S.M. Hassonji & Sons.
- (4) Barkui West Colliery belonging to Messrs. A. P. Trivedi.

There are several collieries where seams are being worked below goaved top seam in other coal fields of India and the names of such Collieries may run into hundreds as far as Jharia and Raniganj coal-fields are concerned."

- Shri Lokras in his reply, dated the 13th May, 1955, admits that there are several collieries where seams are being worked below goaved top seams in coal-fields in India. The explanation of the Department is that there is no objection to such workings provided the old goaves of top seam are either free from water or proper precautions are taken under Regulation 75. Safety Regulations are framed with a view to ensure the safety of the workers and they must be construed strictly so as to advance the purpose for which they are framed.

97. At page 314 of Practical Coal Mining for Miners (Vol. I, Second Edition, 1951) edited by E. Mason, it is stated:

"In approaching old workings of which there is no abandonment plan or where there is reason to suspect that the plan available may not be accurate, the greatest care must be exercised to ensure that an adequate barrier should be left in the vicinity of the water-logged area..... Consequently, the principle on which approach is made to old workings is that of having a narrow heading from which holes are bored on a predetermined pattern in advance and on both flanks, and the boreholes being of such a length that no matter whether the water is tapped directly ahead or on a flank there will be a barrier of adequate strength for the estimated possible head of water."

98. The evidence of Shri Elliott shows that Shri Mathur does not stand alone in his view in regard to the scope of Regulation 74. The mining practice, however, cannot control the interpretation of the Regulation. It seeks to read the words "same plane or same seam" in Regulation 74. It is not permissible to do so. If the intention of the framers were that the precautions should be adopted if the workings were in the same plane or seam, appropriate words would have been used to express the said intention. Section 68 of the British Coal Mines Act, 1911, does not warrant the interpretation given by Shri Mathur and Shri Elliott. In our opinion, Regulation 74 applies to a case where workings are approaching any place containing or likely to contain an accumulation of water or other liquid matter or a disused working not known to be free from accumulation of water or any liquid matter whether they are in the same plane or seam, or not. The precautions enjoined by Regulation 74 should have been adopted by Shri Mathur when the workings approached within 100 feet of the disused workings even if he was not aware that the throw of the fault was 38'-6" or that the offending gallery existed in the abandoned mine. As there appears to be a serious misapprehension about Regulation 74, which is an important safety regulation, we consider that it should be dispelled without delay.

99. On the facts established in this enquiry, Shri Mathur should have taken the precautions prescribed in Regulation 74 assuming that his interpretation of Regulation 74 was correct. The throw of the fault was 38'-6" at the place shown within the red circle. The throw was almost equal to the parting of 40' between the top and the bottom seam. The offending gallery was in the same seam or plane as the workings in the bottom seam of Incline No. 3 and Pit No. 6. The conditions for the attraction of Regulation 74 stated by Shri Mathur were fulfilled. Shri Mathur admits in his evidence—

"I would have adopted the precautions laid down in Regulation 74 if I had known about the existence of this gallery in the bottom seam..... I agree that the disaster could have been averted if I had looked into

the plan of the abandoned mine in which the throw of the fault is shown to be 38'-6".

To the similar effect is the evidence of Shri Elliott:

"I agree that at the fault where the throw is shown to be 38'-6", the top seam to the South of the fault will be almost level to the second seam north of the fault. If the fault was marked having a throw of 38'-6" as it is marked on Ex. 1-10, Regulation 74 should certainly be observed in working the bottom seam from the other side, *viz.*, Incline No. 3, Pit No. 6. Even if the gallery marked B had not been shown in the plan and the throw of the fault was shown to be 38'-6", the provisions of Regulation 74 should have been observed."

100. The plea of Shri Mathur that he had no knowledge of the existence of the offending gallery and of the magnitude of the fault has been found by us to be untenable. It was his duty to study the plan of the abandoned mine and take the precautions prescribed in Regulation 74. The disaster could have been averted if the Manager, Shri Mathur, had complied with the requirements of Regulation 74.

101. Responsibility for the accident.—Section 18 of the Mines Act, 1952, reads as follows:—

(1) "The owner, agent and Manager of every mine shall be responsible that all operations carried on in connection therewith are conducted in accordance with the provisions of this Act and of the regulations, rules and bye-laws and of any orders made thereunder."

In the present case, the Managing Director, Shri K. C. Shah, had entrusted the management of the mine to Shri Mathur. In his evidence, Shri K. C. Shah says—

"Since I became Managing Director, the entire responsibility for management of the Colliery on its technical side has been that of Shri Mathur. He has been discharging the same responsibility from the date of his appointment."

The sole responsibility of taking precautions against potential sources of danger to the workings in the bottom seam in Incline No. 3 and Pit No. 6 rested on Shri Mathur. He could not divest himself of that responsibility. It was for him to make a close study of all relevant plans about the workings in the abandoned mine. Plans play a vital role in working a mine. They reflect the true condition of the workings and may well be regarded as their mirror. The manager cannot delegate the duty of studying the plans to his surveyor. His decision to plan the workings in a particular manner is supreme. The defence of want of knowledge of plans cannot be allowed to prevail. Such a defence involves danger to the lives of the workers employed in the mine.

102. In the present case, the throw of the fault was shown as 38'-6" in Ex. 1-1A*. It should have served as a warning to Shri Mathur against danger of irrigation of water. It was not difficult to see the effect of the throw of the fault on the workings. Shri Slater saw the plan (Ex. 1-1A)* for about 5 minutes only on the afternoon of the 10th December, 1954. He says:

"Immediately after I saw the plan I formed my opinion regarding the cause of disaster."

Shri Roy in his evidence stated:

"I studied the plans Exs. 1-1A* and 1-1B* for about an hour on the 10th December, 1954, at 7 or 7-30 P.M. My opinion on the 10th December, 1954, after I had studied the plans, 1-1A* and 1-1B*, was that the 12th rise gallery of No. 3 Incline got connected with another gallery which had been driven from No. 2 Pit area."

Shri Mathur himself has admitted that the disaster could have been averted if he had looked into the plan of the abandoned mine. It is clear that Shri Mathur should have planned the workings and taken precautions on the basis that the throw of the fault was 38'-6". Even if he had no knowledge of the throw or of the existence of the offending gallery, he should have taken the precautions in accordance with Regulation 74. His failure to do so is the sole cause of the accident.

103. It is urged on behalf of the Manager that the workings were within 100 feet of the abandoned mine on the 23rd August, 1954, when Shri Chatterjee inspected the mine. There is no oral evidence in support of the contention. Neither Shri

*Not printed.

Mathur nor Shri Mandal has stated that the workings were within 100 feet on the date of inspection. The genuineness of the measurement books Exs. M-22* and M-23* is challenged by the Department of Mines. In the written statements of Shri Mathur, there was no allegation to that effect. The only reference is in paragraphs 23 of the written statement, dated the 5th January, 1955, which is as follows:—

“The Pit No. 6 and Incline No. 3 were inspected by the Mines Department Inspectorate from time to time. Their last report bearing No. 3884 dated 10/13-9-54 is filed.”

Shri Chatterjee in his evidence has stated:

“In my third inspection on the 23rd August, 1954, the working plan of the Under Manager did not reveal that the workings anywhere had penetrated the barrier It was not possible for me by seeing the underground workings if they had penetrated the barrier.”

Assuming that the workings were within 100 feet of the disused workings, the question is whether this fact was known to Shri Chatterjee. Workings upto date were not shown in the pit plan Ex. M-10* maintained by Shri Mandal when Shri Chatterjee inspected the mine. It cannot, therefore, be said that Shri Chatterjee knew that the workings were within 100 feet. He did not apprehend danger as will be clear from the remark ‘No danger at present’ made in his inspection note Ex. 1-25*. Shri Chatterjee cannot be held responsible for the accident which occurred 110 days after the inspection.

104. The next question is whether Shri Mandal, Assistant Manager, Shri Majumdar, Surveyor, and Shri K. C. Shah, Managing Director, can be held responsible for the accident. We shall discuss the case of each of them separately. Shri Mandal was not in the service of the Colliery when Shri Mathur decided to work the bottom seam in Incline No. 3 and Pit No. 6. He joined in June, 1952, as already stated. It does not appear that Shri Mathur discussed the layout plan or the mode of working the bottom seam with Shri Mandal. He placed Shri Mandal in charge of Incline No. 3 and Pit No. 6, and Pits 8 and 9, 12 and 13 in accordance with bye-law 32. Shri Mandal was given the plans of the mine in his charge including Ex. M-10*. He saw Exs. 1-1A* and 1-1B* for the first time on the 10th December, 1954, just before they were seized. He says:

“We believed that the top seam in Pit No. 2 area had been worked and we were working the bottom seam and there was no danger while we approached the abandoned mine.”

He worked under the instruction of Shri Mathur who directed the operations. It was not for him to take precautions under Regulation 74 as Shri Mathur was of the view that the Regulation did not apply. When Shri Mathur went on leave, he authorised Shri Pendse to act in his place. Shri Mandal did not act as a manager of the colliery. In the circumstances, he cannot be held accountable for the negligence of Shri Mathur in not taking the precautions under Regulation 74 at the appropriate time. He is not responsible for the accident. We may, however, point out that he was not assiduous in the performance of his duties. His duty, *inter alia*, was to mark the workings on the pit plan Ex. M-10*. He had failed to show the workings upto date when Shri Chatterjee inspected the mine on the 23rd August, 1954. He did not care to acquaint himself with the workings in the abandoned mine. He did not supervise the work of the attendance clerk properly. He says:—

“The attendance clerk works under me and I am expected to supervise his work. I was not shown the attendance register Ex. M-13* and 1-5.”

105. The duties of a Colliery Surveyor are laid down in Bye-laws 35, 35-A and 36. He is not responsible for the mining operations (*vide* section 18 of the Mines Act). It was not the duty of Shri Majumdar to take the precautions prescribed under Regulation 74. We have disbelieved his evidence on the point that the plans Exs. 1-1A* and 1-1B* were not known to Shri Mathur and that the project plan was based on the plan Ex. M-2*. If his evidence were to be accepted, he must be held to be negligent in the performance of his duties. He says—

“If I had known the existence of the gallery in the bottom seam I would have apprised the Manager when the work in the bottom seam in Incline No. 3 and Pit No. 6 area was taken. This was a vital matter. The gallery in question constituted a definite danger to the workmen working in Incline No. 3, Pit No. 6. I should have pointed out to the Manager that the gallery constituted a dangerous spot. To guard against danger emanating from the existence of that gallery the provisions of Regulation 74 should have been complied with I find now that some portion enclosed in red circle in Ex. 1-1A* is not shown

*Not printed.

In the corresponding portion marked in green pencil in Ex. M-2*. This omission has betrayed me.....It was my duty to take the original of Ex. M-2* as the basis for making my plans and surveys and not Ex. M-2".*

The negligence of Shri Majumdar cannot, however, furnish a defence to Shri Mathur. He was the person responsible for the mining operations and for the observance of the safety regulations. If the plans were not shown to him, his business was to find them out himself. If he did not have the plan of the abandoned mine, nevertheless, he should have adopted the precautions prescribed in Regulation 74.

106. We now turn to the case of Shri K. C. Shah. There is evidence that he was not in the habit of taking, and did not in respect of the matter in question take any part in the management of the mine and that he had made all financial and other provisions necessary to enable the manager to carry out his duties. He was not aware of the nature of workings in Incline No. 3 and Pit No. 6 and the abandoned mine. He had no reason to believe that Shri Mathur would not comply with the safety regulations. His action in granting leave to Shri Mathur from the 1st December to the 8th December, 1954, cannot be regarded as an act of negligence. Shri Mathur had stated in his application for leave that the Assistant Manager, Shri Pendse would act in his place. He did not grant leave to Shri Mandal. It was granted by Shri Mathur. In the circumstances, he cannot be personally held responsible for the accident.

107. *General Observations—Slackness in supervision.*—There was considerable slackness of supervision. This appears to be due to inadequate supervisory staff or negligence. The working of mines is a complex, difficult and dangerous matter. It requires constant supervision. In order to secure effective supervision, Regulation 22 was framed. It reads as follows:—

"Save as provided by regulation 21 no person shall act as manager of more than one mine."

Regulation 21 gives power to the Chief Inspector of Mines to permit a duly qualified manager to manage more than one mine. It reads as follows:—

"A duly qualified manager may be permitted by order in writing of the Chief Inspector to manage more than one mine, if the Chief Inspector is of opinion that the mines supervised by him are sufficiently near to one another to permit of effective supervision being exercised, and that an adequate subordinate supervising staff is maintained at each mine. The Chief Inspector may at any time, by order in writing, revoke any such permission and such order shall be final."

Permission to manage 4 mines was given by Shri N. Barraclough, Chief Inspector of Mines. The last order granting permission was passed on the 12th March, 1954. Originally, permission was given by Shri W. Kirby in 1944. It is unfortunate that in granting and renewing permission, the Chief Inspector of Mines did not impose a condition to the effect that each mine should have an Assistant Manager with Second Class Colliery Manager's Certificate of Competency. The condition that was imposed was that there should be two Assistant Managers holding Second Class Colliery Managers' Certificates of Competency. There should have been a modification of this condition in view of the increase in work. Shri Mathur has stated—

"I have not increased the number of Assistant Managers though work has increased. We have, however, increased number of overman, sirdar and shot-firers.... I have the power to appoint as many assistant managers as I consider necessary. I have appointed two assistant managers for these four mines. Apart from these Assistant Managers I did not appoint any other person, holding Second Class Colliery Manager's Certificate."

Overman, sirdars and shot-firers, however, experienced cannot take the place of persons holding Second Class Colliery Manager's Certificates in regard to technical knowledge and skill. They cannot also have the same authority over workmen as an Assistant Manager would have. The advantage of having an Assistant Manager is that he is able to devote more time and attention if he has only one mine to supervise. In the present case, Shri Mandal had not only the mine which was flooded in his charge, but also 2 other mines, viz., Pits 8 and 9, and 12 and 13. It was not possible for him to pay daily visit to each of the mines

*Not printed.

A.

and supervise the work. It does not appear that Shri Pendse took any active interest in the workings in Incline No. 3 and Pit No. 6 during the absence of Shri Mandal on leave.

108. It is unfortunate that at the time when the workings in Incline No. 3 and Pit No. 6 were approaching a difficult phase, adequate technical guidance was not available. Shri Mathur was wrong in granting leave to Shri Mandal with effect from the 7th December, 1954, in view of the fact that he was himself on leave. He might have granted him leave after he resumed duty. In the application made on the 28th November, 1954, of Shri Mandal, Shri Mathur has made the following endorsement:—

"Leave sanctioned. Office to inform the applicant and Shri Pendse."

There was no clear order that Shri Pendse would look after the mine in charge of Shri Mandal though this was the stand taken by Shri Mathur in his evidence. It was Shri Ramlal Seth (Witness No. 17), Head Overman, who was directed to act in place of Shri Mandal. In his statement, dated the 5th January 1955, Shri Mathur has stated as follows:—

"Shri Ramlal, Head Overman, was in charge of the mine No. 3 on 10th December 1954, as Shri A. Mandal was on leave."

Shri Ramlal Seth in his evidence says—

"I was working as an Assistant Manager from the 7th December, 1954, until the date of accident."

Shri Pendse did not go underground in Incline No. 3 and Pit No. 6 after Shri Mandal proceeded on leave. For all practical purposes, therefore, the position was that on 4 crucial dates, viz., 7th, 8th, 9th and 10th December, 1954, the mine, Incline No. 3 and Pit No. 6, was in charge of Shri Ramlal Seth.

109. *Attendance Register*.—The attendance register was not properly maintained. In this register, the visits of members of the supervisory staff are not required to be recorded. There is no satisfactory explanation why Shri Mandal's name was mentioned in the attendance register Ex. M-12* in the week commencing the 24th October and ending on the 30th October 1954. Shri Mathur in his evidence says—

"Aggregate number of attendance during the week ending on 30th October 1954 is shown to be 594. Against the name of Shri Mandal which is the last entry, it is shown that he visited underground for two days in a week. The total under the heading 'number of days worked during the week' was originally 594 and inclusive of the visits of Shri Mandal was shown as 596. The visits made by Shri Mandal according to the register were made on the 25th and 27th October, 1954. In the week ending 20th November 1954, 664 is shown as the number of men worked during the week. The last serial number relates to my visit underground and the total was altered to 666."

There is no satisfactory explanation by the Management why the total was altered and the entry about the visits of Shri Mathur and Shri Mandal was made. That might have been made in order to prove that the Manager and the Assistant Manager, Shri Mandal, used to go underground.

110. There are a number of mistakes regarding the entries of persons who had gone underground and had come out on the 10th December, 1954. Shri Ramlal Seth was shown to have been absent on the 10th December in the first relay. Later the word 'A' in the column marked 'In' and 'Out' was altered and a cross-mark was put indicating his presence in the mine. There is a similar entry in respect of the absence and the subsequent presence in regard to Serial No. 117, Mahabir Singh Kabra. Shri Kunwar Singh (Witness No. 23), attendance clerk, has admitted the mistakes. He states—

"Sottam is shown as absent on the morning of the 10th December. He is dead.... A line is drawn against the name of Laloo (Sl. No. 60) in the column 'out' denoting that he did not come out of the mine. He is alive. Hannas (Sl. No. 78) is dead according to the attendance register though he is alive. Ramkisan (Sl. No. 81) is shown as having come out of the mine though he is dead. Dhudhu (Sl. No. 119) according to the register was absent on the 10th December, but he died inside the mine the same day."

111. *Daily Examination Report Book* (maintained under Regulation 70).—The entries in the Daily Examination Report Book Ex. M-11 show that they were

*Not printed.

made in a mechanical manner. Everyday the time for the examination of the mine, Incline No. 3 and Pit No. 6, is shown to be the same. In the first relay, the first examination commenced at 6 A.M. and ended at 9 A.M. while the second examination commenced at 11 A.M. and ended at 2 P.M. In the second relay, the first examination is shown as commencing from 2 P.M. and ending at 5 P.M. while the second examination lasted from 7 P.M. to 10 P.M. In the third relay, the time of the first examination is shown as 10 P.M. to 1 A.M. while the time of the second examination is shown as 3 A.M. to 6 A.M. The report on the condition of the mine on the 10th December, 1954, shows that the first examination in the first relay commenced at 6 A.M. and it ended at 9 A.M. The second examination began at 11 A.M. and concluded at 2 P.M. The mine was already flooded at about 10-30 A.M. and the second examination could not, therefore, have taken place.

112. *The condition of the mine is described in almost identical terms in Ex. M-11.*—The condition of the ventilation is described as good throughout the report. This is not consistent with the stand of Shri Mandal who deposed that high explosives were used because the ventilation was not good. Further, the remarks regarding the condition of the mine on the morning of the 10th December, 1954, were recorded at 10-30 A.M. the same day according to the Report. The mine was flooded about that time and persons were still inside the mine including Kharagram who is said to have made the report. The remark of Shri Mandal that he came for rescue work at 10-30 A.M. is not correct in view of his evidence that he went to Incline No. 3 at about 11 A.M.

112A. *Plans and papers of the abandoned mine.*—The plans and papers relating to the abandoned mine were not produced by the Management in the Enquiry. The explanation is that they are not available in the office. Shri Shaligram Mehta, who is the Secretary of the Company, has stated:

"I have made a careful search in my office and the office of the Manager regarding the file of the abandoned mine but I could not trace any paper."

Shri Mathur says that—

"There is no method regarding the elimination of record in our office."

There is no satisfactory explanation for their disappearance. No register of files is maintained.

113. According to Shri Chatterjee, the plan Ex. M-10 did not show up-to-date workings when he inspected the mine on the 23rd August, 1954. The progress of all development ends should have been shown on the plan till the date of inspection. The statutory plan Ex. 1-3* required to be maintained under Regulation 15(2) for the workings in the bottom seam of Incline No. 3 and Pit No. 6 was inaccurate as it did not show the existence of the faults with the amount and direction of their throw.

114. The aforesaid facts show considerable lack of supervision on the part of the Management. It appears that the Manager, Shri Mathur, had taken too much responsibility on himself. Under Regulation 23(1), each of the 4 mines required a Manager with a First Class Colliery Manager's Certificate. Shri Mathur was, however, permitted to manage 4 mines. Shri Mathur possessed full authority to appoint Assistant Managers. Instead of appointing one Assistant Manager for each mine, he chose to appoint persons with less technical qualifications. There should have been one Assistant Manager in charge of Incline No. 3 and Pit No. 6. In the circumstances, he must bear the responsibility for the slackness in supervision.

115. *Whether there were indications that the workings in the bottom seam in Incline No. 3 and Pit. No. 6 were approaching a water-logged area?*—On behalf of the workers and the Department of Mines, it has been urged that there were clear indications that the workings were approaching a water-logged area. Reliance is placed by Shri Chari on three circumstances. Firstly, it is said that the installation of an electric pump three or four months before the accident was made in order to pump out water that was percolating from the water logged area. Secondly, it is urged that there was considerable percolation of water for three or four days before the date of accident. A drain about 1' in breadth and 6" in depth had to be cut in order to carry the extra water. Thirdly, the use of high explosives for blasting coal was due to the working faces becoming wet on account of greater

* Not printed.

percolation of water. The Department does not rely on circumstance No. (1). Nor does it contend that any drain was cut.

116. There is no substance in the argument that water started flowing from the abandoned mine in greater quantity for three or four months before the accident. In the written statements filed on behalf of the workers, this has not been alleged. All that has been said was that there was leakage for about 4 days prior to the disaster.

117. There is no evidence that water was entering the workings of Incline No. 3 and Pit No. 6, in greater quantity for 3 or 4 months before the accident. On the other hand, there is evidence that percolation or flow of water for the first time started 3 or 4 days before the accident. Shri Ramsingh (Witness No. 4), who was a witness for the workers, has stated:

"The first time I noticed water was 3 or 4 days before the date of accident."

Similarly, Srdi Ganpat (Witness No. 3) stated.

"A small quantity of water was passing through the drain. I did not see water flowing in that area before the 8th December."

The reason for installing the pump has been stated by Shri R. V. Raju (Witness No. 19), Chief Engineer of the Colliery. He says that the electric pump was installed about 3-4 months before the date of the accident in order to pump out water from the sump at the bottom of Pit No. 6. This was done in order to facilitate the fixing of girders and guide ropes necessary for the installation of cages. The object of installing a cage was to replace the bucket arrangements in Pit No. 6. The electric pump was worked for about half an hour to dry out the pit sump. There is no reason to disbelieve the explanation given by Shri Raju, Shri D. Chatterjee (Witness No. 28) Inspector of Mines, inspected the mine on the 23rd August, 1954. At that time, the pump was being installed. He did not notice unusual flow of water. In our opinion, the installation of the electric pump was not due to greater percolation of water from the abandoned mine.

118. So far as circumstance No. (2) is concerned, we have the evidence of Shri Ramsingh (Witness No. 4), Chhotelal (Witness No. 11), Ganpat (Witness No. 5) and Gendial (Witness No. 7). We are inclined to accept their testimony that water was percolating in greater quantity for 3 or 4 days before the 10th December, 1954. We do not, however, believe that a drain was cut under the orders of Shri Mandal, Assistant Manager. Shri M. P. Roy in his inspection note, dated the 11th March, 1955, has stated:

"A search was made for finding out the existence of any drain along its level at the junction of the 3rd rise. On 8th level some depression was noticed but nowhere either along the 8th level or along 3rd rise gallery anything like a continuous drain was observed."

When we inspected the mine, we did not see any drain. It may also be pointed out that there is no reference to the digging of any drain in the written statements of Shri Mehta, Shri Sanyal and others. The evidence of Ramsingh that Shri Mandal had inspected the mine on the 7th December and had given instructions for digging a drain cannot be accepted, as Shri Mandal was on leave on that date. The witnesses, Shri Bhangisingh, Shri Kharagram and Shri Ramlal deny that the seepage was unusual. We are unable to accept their testimony as it is not consistent with probabilities. There was a huge volume of water in the abandoned mine. The workings were close to the water-logged area between the 7th and 10th December, 1954. There must have been seepage due to pressure of the large mass of water in the abandoned mine. It appears to us that the officials who were in charge between this period did not comprehend the significance of the seepage of larger quantity of water. Shri Mandal did not visit the mine after the 4th December, 1954. Shri Pendse also did not visit the mine between the 7th and the 10th December. Shri Mathur was on leave till the 9th and after he resumed duty, he also did not visit the mine either on the 9th or the 10th December. If the Manager or the Assistant Manager had gone underground between the 7th and the 10th of December, it was likely that the greater seepage of water might have led them to infer that the workings were approaching the water-logged area and they might have taken adequate precautions against the irruption of water. It was unfortunate that the mine was not inspected by them during these three or four days.

119. The use of high explosives in our opinion is due to the fact that the working faces had got wet on account of seepage. The explanation of Shri Mandal that it was due to bad ventilation is unacceptable. The faces had become wet because the workings had extended very close to the water-logged areas. There

is no iron pyritic band, but only a few shales 1/16th of an inch thick. These bands did not require high explosives. If ventilation was bad in the 9th west level off 12th rise, it would be equally bad in the 9th east level off 12th rise. The 9th east level was being worked with gun powder and not with high explosives. This was a pointer that the workings were approaching the water-logged area. No importance, however, appears to have been attached by the members of the supervisory staff. The mine was normally not a wet one. The increase in the seepage of water ought to have led to an enquiry regarding its cause.

120. *Whether the second outlet or exit was available to the workers to effect their escape after the mine was inundated?*—Originally in 1950, Pit No. 6 was deepened to serve as the second outlet from the bottom seam. A headgear with a steam winding engine was installed in Pit No. 6 in 1952 for the purpose of raising and lowering man and material.

121. Ordinarily the bucket was used by the workers employed in Pit No. 6 and, members of the supervisory staff. We have seen the bucket and, in our opinion, not more than three persons can use the bucket at a time. It is urged on behalf of the workers that the boiler was not working on the morning of the 10th of December or at the time of inundation. As the boiler was not working, the workers could not use the bucket. In our opinion, there is no force in this contention. There is no evidence that the boiler was not in commission on previous days. The presumption, therefore, would be that on the date in question the boiler was also working. There is, in fact, positive evidence that it was working and the bucket was in use.

122. Shri Raju (Witness No. 19), Chief Engineer, of the Colliery, was in charge of the boilers. He says:—

"I inspected the boilers at No. 3 Incline between 7-30 and 8 A.M. One boiler was in commission. It was in order. Thereafter, I proceeded to Pit No. 6. I found one boiler in commission. This was about 8 and 8-30 A.M. at Pit No. 6..... I had inspected the bucket arrangement and found it in order..... If smoke is not seen coming out of the boiler it does not follow that a boiler is not in commission. The workers cannot find out whether the boiler is working."

Akbar Khan (Witness No. 21), Head Fitter, has stated:

"I went to work on the morning of the 10th December, 1954, at 7 A.M. I first went to the office of Incline No. 3. I inspected the engine and the boiler at Incline No. 3. They were in order. Thereafter, I proceeded to Pit No. 6. There I inspected the engine, the boiler and the bucket arrangements. The boiler was in commission."

Shri Ramal Seth (Witness No. 17), Head Overman, deposes:

"A boiler was working at Pit No. 6 and the working apparatus was in working order."

To the same effect is the evidence of Sirdar Kharagram (Witness No. 20).

Shri Gajanand (Witness No. 10), Overman, states:

"I went to Pit No. 6 on the date of accident i.e. 10th December at 7 A.M. The boiler had fire in it. I went down the pit in the bucket. I came up in the bucket at about 8-30 A.M."

After inundation he had again gone underground in the bucket. At about 11-45 A.M., he went underground with Shri Mathur in the bucket. It is true that all these witnesses are in the service of the Colliery and are interested witnesses. The reason why we are inclined to accept their testimony in preference to that of Ramsingh (Witness No. 4), Ganpat (Witness No. 5) and Nanhelal (Witness No. 9) is that it has received corroboration from the evidence of independent witnesses viz., Shri D. S. Niven (Witness No. 25), Manager of the Jatachhapa Colliery, and Shri Raghbir Singh Verma (Witness No. 22).

123. Shri Niven arrived at Pit No. 6 of the Colliery at 1-15 P.M. on receiving information about inundation. He says:

"I found a vast crowd near Pit No. 6, and beyond. I got down from the car and went to Pit No. 6. At that time Shri Mathur was coming up in the Kibble."

Shri Raghbir Singh Verma, who is Head Overman, arrived at Pit No. 6 earlier and saw the bucket in.

124. The circumstances on which strong reliance is placed by the representatives of workers is that not a single individual made use of the bucket. The argument is that if the boiler had been working, persons near the bottom of Pit No. 6 would certainly have availed themselves of the bucket. In our opinion, the reason which influenced the workers not to use the bucket was that they apprehended that there would be delay in effecting their escape through the bucket. They believed that the quicker route of escape was by Incline No. 3.

Shri Kharagram has made the following statement:

"I met my workers at 6 P.M. on the evening of the 10th of December. I asked them why they had not rung the bell and, why they had not responded to my signal. I also asked why they had not used the bucket. They told me that water was overflowing the sump, and, as not more than two persons could ride the bucket at a time, they had decided to escape by Incline No. 3. It takes three minutes for the bucket to go down while it takes five minutes to go up."

Shri Kharagram has made the following statement:

"It takes about 15 or 16 minutes for a bucket to come down and go up. I had actually advised them to proceed towards the bottom of Pit No. 6 and, escape by using the bucket. I gave this advice to two or three workmen. I do not remember their names. They told me that they would escape by Incline No. 3 as it would take more time to go to the shaft bottom and go up by the bucket. I also did not use the bucket as I thought that Incline No. 3 would be a better route for escape.....45 persons had escaped by Incline No. 3 before I came out."

The same reason is given by Shri Pancham (Witness No. 15), Coal Cutter, for not using the bucket. On an analysis of the evidence and, taking into account the probabilities, our view is that the workmen were anxious to effect their escape by using the route via Incline No. 3 when every moment counted and egress through No. 6 pit meant waiting and delay. It may also be pointed out that the workers used to go underground by Incline No. 3 and return by the same route. Normally they did not use the bucket in going underground. In the circumstances, it is not, therefore, surprising that they should have preferred to effect their escape through the usual route.

126. *Whether rescue operations left anything to be desired?*—Immediately after the inundation, the Assistant Manager, the Manager, the Managing Director and other officials of the Colliery came to the spot. Soon after, persons from the neighbouring collieries also arrived. The Inspector of Mines came to the spot at 3 P.M. Every effort was made to instal pumps. The Chief Inspector of Mines arrived at the Colliery on the morning of the 12th December, 1954, and supervised the operations till the 19th December, 1954. The Management and the persons of the adjoining collieries as also the officers of the Mines Department worked hard to rescue the persons entrapped in the mine. Unfortunately, in spite of the best efforts, they failed to rescue any person. It appears to us that the workers were drowned and lost their lives shortly after the mine was inundated. The rescue operations were satisfactory.

127. *Application of Regulation 72-B.*—The next question is whether permission of the Chief Inspector of Mines was necessary under Regulation 72-B. Regulation 72-B(1) reads as follows:—

- (1) No coal shall be extracted from any spot which lies vertically below:
 - (a) any part of the bed of any river, tank or reservoir, or
 - (b) any spot lying within a horizontal distance of 50 feet from either bank of a river or the boundary of a bank or reservoir,
 except with the written permission of the Chief Inspector and subject to such conditions as he may specify."

In our opinion, written permission of the Chief Inspector of Mines was not necessary as the abandoned mine was not a reservoir within the meaning of this Regulation. The term 'reservoir' has not been defined in the Regulations. The meaning of the word 'reservoir' given in the Shorter Oxford Dictionary is—

"A receptacle (of earthwork, masonry, etc.) specially constructed to contain and store a large supply of water for ordinary uses."

The word 'reservoir' in Regulation 72-B(1) has reference to reservoirs at the surface and not to underground accumulation of water which is frequently described as a reservoir of water. We may refer to Regulation 15(2) where the word 'reservoir'

has been used. The Regulation enjoins that all plans prepared under the Regulation shall show, *inter alia* all shaft and Incline openings, all goaves, the boundaries of the underground leasehold, where possible, and all important features within the boundaries, such as railways, roads, rivers, streams, tanks, buildings and reservoirs which overlie any part of the workings. The term 'reservoirs' has reference to reservoirs at the surface. In the same sense, the word 'reservoir' in Regulation 72-B should be construed. The Chief Inspector of Mines in his evidence has stated:

"The object of framing Regulation 72-B is to ensure the stability of surface features such as tanks, reservoirs etc. Water which may be collected in the abandoned mine may be considered to be a reservoir but not within the meaning of Regulation 72-B."

His view is accepted by Shri Chari in his arguments. The precautions which have to be adopted against danger from inundation of water in an abandoned mine are prescribed in Regulation 74. In our opinion, Regulation 72-B was not applicable.

128. Whether safety measures were observed and enforced?—There was a contravention of the provisions of Regulation 74. The precautions enjoined therein were not adopted when the workings in the bottom seam in Incline No. 3 and Pit No. 6 were approaching within 100 feet of the disused water-logged workings of the abandoned mine.

129. Whether the inspection of the mines has been adequate?—The mine was inspected on 8th May 1950, 13th June 1951, 4th December 1951, 19th July 1952, 18th February 1953, 10th July 1953, 13th November 1953, 4th May 1954, and 23rd August 1954. Shri D. Chatterjee, Inspector of Mines, had inspected it on 13th June 1951, 4th May 1954 and 23rd August 1954 as already stated. On the whole the inspection appeared to have been adequate except the inspection made on the 23rd August 1954. The workings were not shown up-to-date on the pit plan Ex. M-10* when Shri Chatterjee inspected the mine on the last occasion. This inspection was made on the eve of his transfer and it appears that he was pressed for time. He says that he had instructed Shri Majumdar, Surveyor to make the plan up-to-date. We consider that he should have left a note for his successor that the workings had not been shown on the plan Ex. M-10* up-to-date. If such a note had been left, it is possible that his successor might have inspected the mine. In that event, his successor would have been able to ascertain how the workings in Incline No. 3 and Pit No. 6 were proceeding and whether they were within 100 feet of the disused water-logged area of the abandoned mine. The reason which seems to have influenced Shri Chatterjee in not leaving a note for his successor was due to his view that the workings had been penetrated the barrier and that he had no reason to think that the Management would not take the precautions under Regulation 74.

130. Shri Shyamlal Overman.—Shyamlal, Overman, was on duty in the first relay on the morning of the 10th December, 1954. He is dead. It was said that he lost his life in rescuing some of the persons inside the mine. We had questioned several witness on this point. None of them stated that he had rescued any person. In fact, the witness did not seem to have noticed him after water had rushed into the mine. There is no material to show that he lost his life in rescuing some of the workers. An enquiry was made by the Chief Inspector of Mines and he has stated in evidence:—

"My enquiry did not disclose that he (Shyamlal) had saved the lives of any of the miners."

131. Conclusions.—Our conclusions are as follows:—

- (1) That huge quantity of water estimated to be several million gallons which had accumulated between 1933 and 1954 in the abandoned mine rushed into the bottom seam workings of Pit No. 6 and Incline No. 3 through an opening measuring about 4' x 3' in the 9th west level off 12th rise at about 10-30 A.M. on the 10th December, 1954.
- (2) That the opening was the result of blasting at the face of 9th west level off 12th rise.
- (3) That 112 persons were inside the mine when it was inundated. 49 persons managed to effect their escape through Incline No. 3. The remaining 63 persons were entrapped and drowned.

*Not printed.

- (4) That the possibility of the danger from the large mass of water at close proximity to the workings in the bottom seam in Incline No. 3 and Pit No. 6 should have been envisaged.
- (5) That the cause of the irruption of water was due to the non-observance of the precautions embodied in Regulation 74 by the Manager, Shri K. S. Mathur, when the workings were within 100 feet of the disused water-logged workings of the abandoned mine.
- (6) That the accident could have been averted by taking proper precautions.
- (7) That the Manager was responsible for the accident. It was the result of his negligence.
- (8) That there was laxity of supervision by the Manager.
- (9) That the bucket was working and the workers could have made use of the bucket.
- (10) That rescue operations were satisfactory.
- (11) That regulations should be framed to ensure the making of accurate plans, their maintenance and preservation. We have made recommendations aimed at preventing a recurrence of such a disaster.

132. *Recommendations.*—(1) (a) The original plan of the workings of an abandoned mine should be preserved in the office of the Colliery.

(b) A certified copy of the plan of the abandoned mine sent to the Chief Inspector of Mines under Regulation 17 should also be preserved in the office of the Colliery.

(2) A certified true copy of the plan of an abandoned mine sent by the management under Regulation 17 to the Chief Inspector of Mines should be kept in the office of the Inspector of Mines in whose circle the mine is situated. The plan would enable the Inspector to find out the nature and extent of the danger, when the workings approach the abandoned mine.

(3) If, for any cause, the original plan of the abandoned mine or its certified copy be not available in the office of the Colliery, the management should obtain a certified true copy of the plan from the Chief Inspector of Mines.

(4) When the workings of a mine are within 200 feet of old workings in any horizon, the Chief Inspector of Mines should be informed and an agreed scheme of approach should be evolved.

(5) It should be the duty of the lessees of owners of every working colliery or mine to ascertain whether any plans of abandoned workings within the area of such colliery or mine or, within a margin of 200 feet are in the possession of—

- (a) the owners of lessees of the adjoining colliery; or,
- (b) the Mines Department.

If such plans are found, to examine the same and make a copy of such portion thereof as relates to the area of their own mine and to a surrounding margin of 200 feet;

- (c) the lessees or owners of an adjoining colliery shall be bound to disclose the plans of abandoned workings within the area of such colliery or within a margin of 200 feet.

(6) The lessors of every mine shall be bound to disclose and make available for copying to their lessees all plans in their possession of abandoned workings within the area let and the surrounding margin of 200 feet.

(7) All survey field books and other records relating to the preparation of statutory plans and sections with appropriate descriptions, shall be carefully preserved in every colliery office or in the central survey office, if any, and, they shall be made available by the colliery or the central survey office whenever required by the Department of Mines, or any authority empowered to call for the same. The outgoing owner or owners shall hand over such books/records to the incoming owner or owners or their representatives.

(8) All statutory plans, sections and maps prepared or obtained by a Colliery shall be serially numbered and, a register of them maintained. Contents of such register/registers shall be periodically, not later than once in six months, verified with the actual stock of plans, sections and maps-variations, if any, should be recorded, signed and dated by both the colliery surveyor and the colliery manager.

Movement of all plans shall be recorded in the register. The register shall be open to inspection by the Department of Mines or by any other authority empowered to do so.

(9) That the Mines Inspector should countersign the register during the time of his inspection. This will check the disappearance of plans.

(10) The collieries should deposit certified true copies of all statutory plans, brought up-to-date, with the Mines Department every year.

(11) The current working plan of every mine required to be kept under Regulation 15(2) should show the positions of old goaves within the leasehold and within 600 feet of the boundary of the leasehold, all drifts, staple pits and exploratory headings in the same seam or different seam. The details and sections of such drifts, staple pits and exploratory headings should be incorporated in the index of the plan.

(12) (a) Reduced levels of the floor of all galleries and roadways on a vertical rise or fall of every 10 feet or at a horizontal distance of not exceeding 100 feet should be taken and recorded of the statutory mine plan.

(b) Reduced levels shall be shown at the faces of all exploratory galleries, drifts and staple pits when the mine is abandoned. Seam contours shall be shown at stated intervals. If such an action had been taken, the difference in level between Pit No. 2 and No. 12 rise at the junction of 9 west level could have been easily detected and served as a warning against irruption of water.

(13) Drifts in stone and, galleries in coal, at different levels, should be clearly indicated by different colours and by appropriate moting on the plan so that no speculation is necessary afterwards to appreciate their indentities and relative positions. Gradients of such galleries and drifts should also be clearly stated.

(14) Different plans of the same mine are required under the Regulation, but there is no standard practice of denoting them by any designation or, 'head-line'. This should be done and, each plan clearly indicated, as to which regulation it relates.

(15) A detailed survey of all workings must be made in every district in which the extraction of pillars, or the splitting of pillars, as a final operation is about to take place.

*Explanation.—*This is essential as otherwise the final position of galleries or exploratory headings is not known.

(16) The throw of each fault where proved shall be written. If not proved, the word 'unknown' along the fault line should be written.

(17) Barriers of coal to be left for safety or support, shall be clearly marked in Green colour.

(18) To avoid confusion with contour lines, the sentence in Regulation 15(2)—"The poition of workings at the time of the last survey shall be shown by a dotted line drawn through the ends of the workings; such dotted line shall be marked with the date of the last survey" shall be replaced by the following sentence:

"The ends of all galleries shall be blocked to show the position of the faces at the time of the last survey and the plan shall be dated."

(19) New plans should not be large, cumbersome and rolled, which causes early fatigue and cracking, but should be sectionalized. Provision should be made for flat storage.

(20) Regulation 15(4) requires that the mine plans shall be normally maintained up-to-date within six months. This probably worked satisfactorily and may work satisfactorily in the case of pick mining in a comparatively thick seam, as the rate of progress in such a case is small. In the case of thin seams however, progress is much quicker. With the rapid progress due to machine mining, steady advancement by blasting alone, without recourse to mechanical coal cutters, it is necessary to keep the underground working plans up-to-date within 3 months or the progress of the workings shown up to a point not more than 100 feet behind the actual coal face. Regulation 15(4) should be amended accordingly.

(21) Regulation 15(4) requires that the mine plans should be accurate, but as no offset survey is made, the width of galleries or, the line of working face, is invariably not correctly shown on the plan. Offset survey should be made obligatory.

(22) The section of the seam worked is required to be drawn on the mine plan under Regulation 15(2). Where available, the section of the strata above the working seam and seams upto the surface should also be shown. The plan

should show the height of galleries worked. As the height of galleries or workings may vary from place to place in the same mine, such height should be shown at the places concerned. To avoid confusion or doubt, the thickness of coal left in the floor or roof of the workings should also be stated.

(23) The plan should show the position of bore-holes from surface and, section of seams encountered in such bore-holes.

(24) An independent body of qualified surveyors be appointed by the Chief Inspector of Mines or, by the State Government, who in some cases are the Royalty owners of the minerals, to survey each mine every year. Plans made by independent persons will thus be available and mistakes made by the mine surveyor would be brought to the notice of the manager.

(25) Whenever any Inspector of Mines visits any mine for the purpose of inspection, he shall see that the statutory plan maintained by the colliery has got the edges of the workings of the abandoned mine within the colliery area shown on it. Suitable remark on the condition of the abandoned mine, *viz.*, whether filled up with water or not, whether accumulation of gas exists or not, reduced level of the edges of workings, if available, and the date of abandonment shall also be made thereon.

(26) Whenever a copy is made of any plan of a mine or part thereof by tracing or, by any other means, *viz.*, a photostat copy, or by preparing a new field book from the old plan or map, a clear remark shall be made by the Surveyor on it to the effect that it has been so prepared. He should specify the original plan or document from which the copy or tracing has been made by him. The extent of workings should be clearly indicated by dotted lines around the edges of the workings end, dated so that any subsequent entries may be quickly deciphered. In the case of interfilling of workings within the dotted lines, a different colour should be used and such interfilling dated and signed by the surveyor.

(27) Regulation 149, Second Para, should be deleted. Record of personal visits to underground workings by colliery managers and assistant managers, surveyors and others of supervisory staff should be maintained.

(28) *Substantial increase in the number of Mines Inspectors.*—The total number of mines in India is about 3,300 out of which 850 are coal mines. There are 59 collieries and 337 other mines in Circle No. 3. The Chief Inspector of Mines has stated:

"There is no Regulation or Rule enjoining an Inspector to inspect a coal mine once a year or at specified intervals.. There are some collieries in Circle No. 3 which had not been inspected between the 1st of January 1954 and 31st of December, 1954".

Increased depth, modernization of mines and ageing of mines have brought in their trial attendant difficulties and unsafe conditions requiring constant and intelligent supervision. In our opinion, coal mines should be inspected 4 times a year. The Chief Inspector of Mines has stated:

"It is desirable that a coal mine should be inspected 3 or 4 times in a year. About 8 Inspectors are necessary in order to carry out 4 inspections and hold enquiries into accidents in Circle No. 3. There are 2 Inspectors at the moment and 4 more Inspectors are to be posted very shortly."

(29) A consolidated list of mines inspected should be sent to the Chief Inspector of Mines at regular intervals by the Inspector of Mines of each circle.

(30) Inspectors of Mines should have practical experience of management of a colliery. Before appointment, an Inspector should have worked for 5 years as a colliery Manager.

(31) The offices of the Inspectors should be periodically inspected by the Chief Inspector of Mines or his Deputy.

(32) There should be Central Rescue Stations at suitable sites in different coal fields. Where it is not feasible to have a Central Rescue Station, each colliery or a group of collieries should provide bare requirements for rescue work. At present there are only 2 Central Rescue Stations—one at Jharia in Bihar and the second in Raniganj.

(33) The second means of egress, if a shaft, should have a cage.

(34) Each colliery should have a qualified surveyor. Under the existing mining regulations, there is no bar against the appointment of one qualified surveyor by more than one Colliery at the same time. The engagement of the services of one Surveyor by more than one colliery at the same time should be subject to the approval of the Chief Inspector of Mines.

(35) A high level commission (like the Royal Commission on safety in Coal Mines appointed in 1935) should be appointed to examine the provisions of the Mines Act, Regulations, Rules and Bylaws now in force in the context of prevailing conditions and progressive developments and to make suitable recommendations to ensure safety in coal mines. The present Regulations, which were framed in 1926, and the Byelaws require revision.

(36) Use of Electric Safety Lamps: The question of lighting the underground passages in mines should be examined by the Commission. The Chief Inspector of Mines has stated:

"I do not consider it a practicable proposition to electrify all the road-ways underground as it will be very expensive, where the colliery covers a large area. The electric installation may prove to be a source of danger."

A different opinion has been expressed by the Inspector of Mines, Shri M. P. Roy. He says—

"I have advised the Management to instal electric light. I agree that the visibility will be improved considerably if the mine is electrified throughout."

133. Concluding Remarks.—We should like to express our sincere thanks for the help and co-operation given to us by the representatives of all the parties to the Enquiry, especially to Dr. Shrimati Seeta Bai Parmanand, Shri O. P. Mehta, Shri S. S. Grewal and Shri M. P. Roy. We are also indebted to the learned Counsel for their valuable assistance. We wish to record our appreciation of the help rendered by Shri B. R. Mandal, Deputy Commissioner, Chhindwara, and his officers. Our thanks are also due to the Municipal Committee, Chhindwara, in placing a part of the Town Hall at our disposal for holding our Enquiry.

The 1st July 1955.

(Sd.) V. R. SEN,
Court of Enquiry.

(Sd.) W. S. BARLINGAY,
Assessor.

The 20th July 1955.

(Sd.) M. L. SHOME,

I have already signed the Report. I am in general agreement with all the observations made in the Report except that with regard to the interpretation of Regulation 72-B of the Indian Coal Mines Regulations, 1926. I still have some doubt; and that is because the inevitable result of the interpretation of Regulation 72-B, as given in the Report, would be that while written permission of the Chief Inspector of Mines would be required if coal is to be extracted from any spot which lies vertically below a reservoir or even a small tank at the surface, no such Permission would be necessary for working a seam below an abandoned mine full of water. This would indeed be very odd and it is hard to believe that this could possibly be the intention of the framers of the Regulations, especially when we remember that the thickness of the parting between the bottom of a surface tank and the top of a working vertically below it would be several times greater than the width of the parting between the workings and the bottom of an abandoned mine. I shall, therefore, shortly examine the reasons which led the Court of Enquiry to place a restricted interpretation on the term 'reservoir' confining it to mean reservoirs at the surface and not to underground accumulation of water such as an abandoned mine.

(a) One of the reasons given is the dictionary meaning of the word 'reservoir'. The meaning of this word quoted from the Shorter Oxford English Dictionary is the following:—

"A receptacle (of earthwork, masonry, etc. (specially constructed to contain and store a large supply of water for ordinary uses.)"

This reason is not conclusive because the Shorter Oxford English Dictionary itself gives another meaning which is equally authoritative viz.,—

"A place or area in which water naturally collects in large quantities."

This latter meaning of the word 'reservoir' obviously includes an abandoned mine. In fact Shri Mathur himself admits this in his evidence when he says that an abandoned mine is a reservoir of water: See his evidence, paragraph 37, where he states as follows:—

"I agree that a mine which has been abandoned for some years becomes a reservoir of water."

There is no reason to suppose that the first meaning given in the Shorter Oxford English Dictionary is more authoritative than the second one.

(b) The next reason given is that in Regulation 15(2), the word 'reservoirs' has reference to reservoirs at the surface. The argument is that under the ordinary rules of interpretation of statutes it should normally be presumed that words are used throughout a statute with the same meaning or in the same sense and, therefore, the word 'reservoirs' cannot have one meaning in Regulation 15(2) and another in Regulation 72-B. I agree that ordinarily this should be so; but this is not an absolute or an overriding rule and where the words used are not technical words, but words in vogue in common parlance, it is not invariably correct to say that the same word must be construed in the same sense throughout a statute, especially where such a construction will lead to odd results. In this particular case, it is not quite clear to me that the word 'reservoirs' in Regulation 15(2) is used to mean only reservoirs at the surface and moreover as I have already pointed out, such an interpretation will lead to odd results which I have pointed out in the very beginning of the note. I am not prepared to accept the opinion of the Chief Inspector of Mines which has been quoted by the Court of Enquiry in paragraph 127 of the Report. In interpreting Regulation 74, it is observed by the Court of Enquiry in paragraph 94 of the Report as follows:—

"It is a well-known principle of the construction of statutes that the Court should adhere to the words actually used in the statute and not depart from its plain meaning by introducing certain words or phrases which are not there. If a statute does not convey any meaning or is ambiguous, there may be justification for adding certain words. The language of Regulation 74, however, is clear. Construed in its ordinary grammatical sense, it is not possible to read any such qualification or limitation in the Regulation suggested on behalf of the Management."

I respectfully agree with this interpretation of Regulation 74 as given by the Court of Enquiry and I would only add that the very same principle holds good in interpreting Regulation 72-B also. There are no limitations or qualifications mentioned in Regulation 72-B just as there are no limitations or qualifications in the case of Regulation 74; and I see no reason why a limited or restricted meaning should be placed on Regulation 72-B, especially when, as I have already pointed out, such an interpretation would lead to very odd results. It is possible, however, that a conclusion may be right while the reasons given for it are wrong and that after all the correct interpretation of Regulation 72-B is just what the Court of Enquiry has held it to be. In that case, all that I would urge is that the Regulation 72-B should suitably be reworded.

In the end, I need only add that I do not agree with the interpretation sought to be placed by Shri M. L. Shome on Regulation 74; in that matter I agree with the Court of Enquiry.

The 20th July 1955.

W. S. BARLINGAY,
Assessor, Court of Enquiry.

NOTE BY SHRI M. L. SHOME

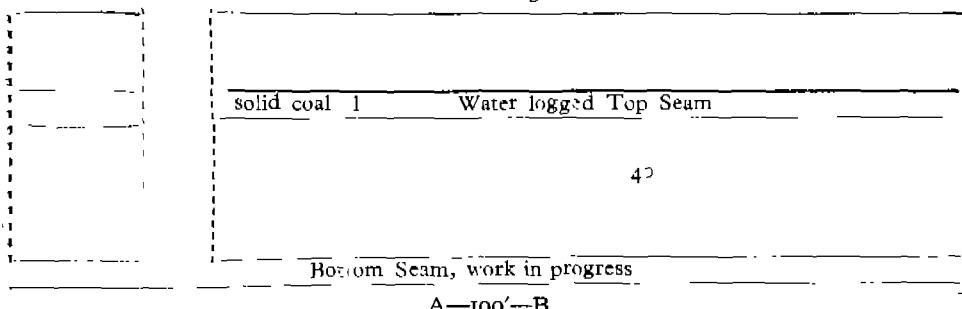
I agree with the report generally with the exception of the interpretation of Regulation 74 in paras 94 & 95. Literal meaning of a statute, particularly in respect of technical matters, is not always workable. Literal meaning of Regulation 74 is not workable in practice for the following reasons:—

(1) Approach means, "to come near to". As two rails in a railway can never meet, so workings in two parallel coal seam can also never meet. There can, therefore, be no point in observing the provisions of Regulation 74 in the case of parallel seams one below the other or, vice versa. If the distance of 100 ft. refers to distance in any direction, the element of "approach" must also be, in those directions. The distance of 110 ft. cannot be isolated from "approach" and the

direction of "approach". When two or more seems are running parallel, one above the other or *vice versa* and worked independently the question of "approach" does not arise, as never the working of one seam "approaches" the other one.

L Shaft

Fig. II



Further, in the figure 1 above, if the workings from "A" in the Bottom seam is said to be approaching the point B in the top water-logged area, then when workings from "B" will proceed further in the Bottom seam, the "approach" will continue to exist till the boundary of the old water-logged area of the top seam is reached. But, I do not think that one can call workings in the bottom seam from the point A in Figure 1 above "approaching" the old top seam workings and, then say that the workings in the bottom seam farther onward from B are not approaching the top seam workings within the meaning of Regulation 74. "Approach" must have an angle of direction and its plane. The distance of 100 ft. can only relate to that particular direction and plane and, not to any other direction and plane, in view of the fact that the advance bore hole, flank holes and holes above and below are to be only in relation to that direction of approach. In other directions, the flank bore holes and where necessary bore holes above and below, will only cover 10 ft. of solid ground on all sides of the gallery and no more. Where is then the necessity of observing Regulation 74 when the parting between workings exceeds 10 ft.? At best it can be said that "approach" in Regulation 74 includes all the ground covered by the limitations imposed by the advance bore holes, flank bore holes, and bore above and below.

(2) "Approach" in the case of contiguous coal seams, which normally run parallel to each other, is never made. Regulation 75 is to be observed in such a case.

(3) Application of Regulation 74 would be entirely unnecessary, while working an upper seam with the lower one full of water. But advance bore holes, flank holes and, bore holes below the top seam shall have to be done if the interpretation of paragraphs 94 & 95 is followed. In case 300 galleries are driven simultaneously each of them will have to have advance holes, flank holes and other bore hole to satisfy Regulation 74. And all these bore holes would be of no use though present both economic and technical difficulties. Similar bore holes will also have to be drilled in the case of working any lower seam having a water-logged top seam.

(4) There are many collieries where seams are being worked below goaves top seams in various coalfields in India. The explanation of the Mines Department is that there is no objection to such workings provided the old goaves or top seam are either free from water or proper precautions are taken under Regulation 75 (refers para. 96 of the report). The Mines Department does not, therefore envisage application of Regulation 74 in such cases.

(5) Drilling of advance bore hole, flank holes and bore holes above and below was, therefore, ordinarily not required at Newton Chickli bottom seam but the fault having a throw of 38' 6" altered the position. Both the top seam and the bottom seam having come to almost the same horizon, precautions under Regulation 74 were essential. Had the colliery taken precautions under Regulation 74, sudden flooding of the bottom seam, which caused the death of 63 lives, could not have occurred.

(Sd.) M. L. SHOME,
Chief Mining Engineer/Member Secretary,
Coal Board, and Assessor to the
Court of Enquiry.

ORDER

Re: Expenses of the Enquiry

Shri O. P. Mehta has made an application that Shri K. C. Shah, Managing Director of the Newton Chickli Collieries Limited, should be directed to pay the expenses which he has incurred in connection with the Enquiry. The total amount claimed by him is Rs. 5,580/- Shrimati Dr. Seeta Parmanand in her application has stated that costs should be awarded to the Indian National Trade Union Congress, Chhindwara, in case costs are awarded to Shri Mehta. According to the Department of Mines, the Management should be made to pay all the expenses of the Enquiry. These expenses would include all amounts spent by the Government on the Court of Enquiry and costs incurred by the Department of Mines in connection with the accident including the expenses incurred in engaging Counsel for the Department. The stand of the Management is that there is no provision under which costs can be allowed to a party to the Enquiry. The Court is authorised to grant costs of the Government or of the assessors.

2. Both Shri Mehta and the Management have referred to Rule 1 of the Indian Mines Rules, 1924, in support of their arguments. This Rule is not the appropriate rule. It appears to have been framed by the Government of Bengal. The relevant rule is Rule 20 of the Rules framed by the Governor in Council in exercise of the powers conferred by section 30 of the Indian Mines Act, 1923. The Rule reads as follows:—

"If a court of enquiry appointed under section 21 of the Act finds that the accident was due to any carelessness or negligence on the part of the management, the court may order the owner, agent or manager of the mine to pay all or any part of the expenses of the enquiry, and the amount so directed to be paid may, on application by the Chief inspector or an Inspector to a Magistrate having jurisdiction at the place where the mine is situated or where such owner or agent is for the time being resident, be recovered by the distress and sale of any movable property within the limits of the Magistrate's jurisdiction belonging to such owner, agent or manager."

The rule-making power under section 30 of the Indian Mines Act, 1923, passed to the Central Government from the then Local Governments under the Government of India (Adaptation of Indian Law) Order, 1937. No rules however, have yet been framed by the Central Government either under the Indian Mines Act, 1923, or under the Mines Act 1952, for appointment of Courts of Enquiry and connected matters. In the absence of rules framed by the Central Government, the rules framed by the Governor in Council including Rule 20 of the Central Provinces Regulation and Inspection of Mines Rules, 1924, continue to be in force in this State. This rule empowers a Court of Enquiry to order the owner, agent or manager to pay the whole or a part of the expenses if the accident was occasioned by the negligence of the Management. This rule does not contemplate award of costs to parties in the Enquiry. The expenses of the Enquiry, in my opinion refer to expenses incurred by Government in connection with the Enquiry. These include the expenses for summoning witness, in paying the travelling allowances of the Court and the Assessors and payment to the staff, and other incidental expenses.

3. Shri Mehta has referred to certain decisions of Industrial Tribunal and Labour Appellate Tribunal in which costs have been awarded under the Industrial Disputes Act, 1947, section 11(7) gives power to the Tribunal to award costs. The section reads as follows:—

"Subject to the rules made under this Act, the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal, and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such costs are to be paid, and to give all necessary directions for the purposes aforesaid, and such costs may, on application made to it by the person entitled, be recovered as arrears of land revenue or as a public demand by the appropriate Government."

Similarly, power is given to an Appellate Tribunal to award costs under section 9 (11) of the Industrial Disputes (Appellate Tribunal) Act, 1950. No such power is given under Rule 20 to the Court of Enquiry to award costs. It may be pointed out that the expression 'costs' has not been used in Rule 20.

4. There is another reason why the expenses referred to in the Rule cannot include costs incurred by a party. There is no machinery by which a private party can recover costs awarded to it. The claim for payment of expenses is not tenable and cannot be allowed.

5. It has been found that the accident was due to the negligence of the Management. The Newton Chickli Collieries Ltd. as owner should bear the expenses of the Enquiry.

6. I order the Newton Chickli Collieries Limited to pay the expenses of the Court of Enquiry.

The 20th July 1955.

V. R. SEN.
Court of Enquiry.

ANNEXURE I

List of persons who were involved in the accident and drowned.

Names	Date of recovery of dead bodies	Identified or not
1. Sheikh Mohammad s/o Sheikh Ramjan	8-1-55	Identified.
2. Bindai s/o Ajad Pasi	"	"
3. Chokhe s/o Bhaddu Mehra	"	"
4. Manglu s/o Fatar Gond	"	"
5. Chhotelal s/o Hariram Chamai	"	"
6. Ganga s/o Nathu Pasi	"	"
7. Sheikh Ibrahim s/o Sheikh Rahim	"	"
8. Dulare s/o Balbhaddar Lodh	"	"
9. Chhotclal s/o Gyarsi Gond	"	"
10. Makhan s/o Nanda Kirar	"	"
11. Tulsi s/o Sheolal	"	"
12. Pachikouri s/o Prema	"	"
13. Zilloo s/o Hirachand Mehera	"	"
14. Aman s/o Gangaram Chamar	"	"
15. Tejinath s/o Umedanath Garpagari	"	"
16. Lakhiram s/o Moolchand	9-1-55	"
17. Shivcharan s/o Chokc Katia	"	"
18. Daddu s/o Ramrup Bhatt	"	"
19. Roshan s/o Nirottam Kurmi	"	"
20. Jhanka s/o Baisakhu Pardhan	"	"
21. Shivcharan s/o Chaitram Ahir	"	"
22. Bhagchand s/o Dukhli Mehra	"	"
23. Ramkisan s/o Jhunnoo Pasi	"	"
24. Damdu s/o Rupchand Kalar	"	"
25. Sudama s/o Chokhe Mehra	"	"
26. Ramnandan s/o Manhgji Chamar	"	"
27. Shyamal s/o Premial Pardhan	"	"
28. Pusu s/o Gorelal Gond	"	"
29. Baiju s/o Sawanya Mehra	"	"
30. Teji s/o Shyamal Mehria	"	"
31. Kantu s/o Naipal Chamar	"	"
32. Bhimma s/o Suddwi Kewat	12-1-55	"
33. Dipa s/o Sethia Mehra	"	"
34. Laisa s/o Pal Chamar	"	"
35. Dhaniram s/o Katua Teli	"	"
36. Ragho s/o Nihal Kalar	"	"
37. Gilloo s/o Bannoo Pasi	"	"
38. Murat s/o Chandru Gond	"	"
39. Jamman s/o Mangal Musalman	"	"
40. Darbari s/o Balkhandi Gond	"	"
41. Sotan s/o Sumed Kalar	"	"
42. Mangalsi s/o Baisakhu Gond	"	"
43. Ramlu s/o Premia Pardhan	"	"
44. Jagi up s/o Sanohar Nonia	"	"
45. Ramphal s/o Sarju Chamar	"	"

Names	Date of recovery of dead bodies	Identified or not
46. Pantu s/o Napal Chamar	12-1-1955	Identified.
47. Kandhai s/o Jagannath Pasi	16-1-1955	"
48. Murali s/o Banna Chamar	25-1-1955	"
49. Rafiuddin s/o Abdul Majid	28-1-1955	"
50. Ammilal s/o Hariya Mehra	1-2-1955	"
51. Dulare s/o Bindai Pasi	9-2-1955	"
52. Tulsi s/o Manganal Katia	5-3-1955	"
53. Ramprasad	19-3-1955	"
54. Nawaz	..	Unidentified.
55. Jhadoo	..	"
56. Ganesh	..	"
57. Ganno	..	"
58. Faggo	..	"
59. Kisan	..	"
60. Faggo	..	"
61. Gopinath	..	"
62. Bijai	..	"
63. Gopal	..	"

ANNEXURE III

List of Witnesses

- Shri Kripa Shanker Mathur, Manager, Newton Chickli Colliery.
- Shri Kundlik, Shot-firer, Newton Chickli Colliery.
- Shri Arunendu Majumdar, Surveyor, Newton Chickli Colliery.
- Shri Ramsingh, Shot-firer, Newton Chickli Colliery.
- Shri Ganpat, Coal-cutter, Newton Chickli Colliery.
- Shri Mahabir, Pump-driver, Newton Chickli Colliery.
- Shri Gendlal, Chain-man, Newton Chickli Colliery.
- Shri T. B. Vithalrao, Member of the Parliament.
- Shri Nanhelal, Physician, Jatachapa Colliery.
- Shri Gajanand, Overman, Newton Chickli Colliery.
- Shri Chhotelal, Coal-cutter, Newton Chickli Colliery.
- Shri Kantilal Chimanlal Shah, Managing Director, Newton Chickli Colliery.
- Shri Nirmalendu Mandal, Assistant Manager, Newton Chickli Colliery.
- Shri Ganesh, Coal-cutter, Newton Chickli Colliery.
- Shri Pancham, Coal-cutter, Newton Chickli Colliery.
- Shri Bhangisingh, Sirdar, Newton Chickli Colliery.
- Shri Ramlal Seth, Head Overman, Newton Chickli Colliery.
- Shri Shalingram Mehta, Secretary, Newton Chickli Colliery.
- Shri R. V. Raju, Chief Engineer, Newton Chickli Colliery.
- Shri Kharagram, Sirdar, Newton Chickli Colliery.
- Shri Akbar Khan, Head Fitter, Newton Chickli Colliery.
- Shri Raghubir Singh, Head Overman, Messrs. Shaw Wallace and Co. Ltd.
- Shri Kunwar Singh, Clerk, Newton Chickli Colliery.
- Shri Joseph William Elliott, Chief Mining Engineer, Messrs. Shaw Wallace and Co. Ltd.,
- Shri D. C. Niven, Manager, Jatachapa Colliery of Messrs. Shaw Wallace and Co. Ltd.
- Shri Cyril Slater, Chief Surveyor, Messrs. Shaw Wallace and Co. Ltd.
- Shri Mahadeva Prasad Roy, Inspector of Mines, No. 3 Circle, Chhindwara.
- Shri Debasis Chatterjee, Inspector of Mines, Dhanbad.

29. Shri Hareram Mukherjee, Surveyor, Department of Mines, Dhanbad.
 30. Shri S. S. Grewal, Chief Inspector of Mines in India, Dhanbad.
 31. Shri Kartic Chandra Burman, Assistant Manager, Indian Iron & Steel Merchant Co., Ramnagar Colliery, West Bengal.

ANNEXURE VI

Name of Members of the Supervisory staff of Incline No. 3 and Pit No. 6 during 1st September, 1954 to 10th December, 1954

- (a) Manager—Shri K. S. Mathur.
- (b) Assistant Manager—Shri N. Mandal.
- (c) Head Overman—Shri Ramial Seth.
- (d) Sirdars—Kharagram, Bhangisingh, Buddusinh.
- (e) Overmen—Shamlal and Gajanand.

[No. M-45(14)/54.]

New Delhi, the 27th August 1955

S.R.O. 1895.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952, (XXXV of 1952), the Central Government hereby appoints each of the undermentioned persons to be an Inspector of Mines subordinate to the Chief Inspector:—

1. Shri Manohar Datta.
2. Shri A. C. Srivastava

[No. M-48(12)55-Vol.

P. D. COMMAR, Under Sec]

New Delhi, the 24th August 1955

S.R.O. 1896.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints Shri S. A. Vaidya to be an Inspector for the whole of the State of Bombay, for the purposes of the said Act and of any Scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oil field.

[No. PF-31 (131)/55.

A. P. VEERA RAGHAVAN, Under Sec

New Delhi, the 25th August 1955

S.R.O. 1897.—The following draft of a further amendment in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1951, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 9th September 1955.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In clause 36 of the said Scheme, for the first proviso to sub-clause 2B, the following shall be substituted, namely:—

“Provided that where a worker is found not guilty, he shall be entitled to such payment—

- (a) as he would have received under clause 34, or
- (b) as the Administrative Body shall certify that he would have received had he not been suspended,

iod of suspension being treated as excused attend-
use 34."

[No. FAC.74(25).]

K. N. NAMBIAR, Under Secy.

CORRIGENDUM

New Delhi, the 26th August 1955

igendum to S.R.O. 1419, dated the 27th June, 1955, published
da dated the 2nd July, 1955, Part II, Section 3, at pages 1169-71.
page 1171:—

'Labour Commissioner (Central), New Delhi' should be read as
gional Labour Commissioner (Central),.....Zone';

[No. LR.1(292)/53.]

P. S. EASWARAN, Under Secy.

New Delhi, the 30th August 1955

S.R.O. 1899.—In pursuance of the provisions of paragraph 20 of the Employees' Provident Fund Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.R.O.-219, dated the 12th January 1955, the Central Government hereby appoints Shri L. Kantaraj Urs, Commissioner of Labour, Mysore, to be the Regional Provident Fund Commissioner for the whole of the State of Mysore to work under the general control and superintendence of the Central Provident Fund Commissioner.

[No. P.F.-31(130)/55-I.]

S.R.O. 1900.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.R.O.-218, dated the 12th January 1955, the Central Government hereby appoints Shri L. Kantaraj Urs, Commissioner of Labour, Mysore, to be an Inspector for the whole of the State of Mysore, in addition to his own duties, for the purpose of the said Act, and of any Scheme made thereunder, in relation to factories within that State engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF-31(130)/55-II.]

S.R.O. 1901.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour No. S.R.O. 2092, dated the 22nd June 1954, the Central Government hereby appoints Shri S. Misra, Assistant Labour Commissioner, Orissa, to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF.518(13).]

P. N. SHARMA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi-2, the 1st September 1955

S.R.O. 1902.—In pursuance of clause 2 of the directions issued under the provisions of each of the enactments specified in the First Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 945 dated the 28th April, 1955 the Central Government with the previous approval of the Film Advisory Board, Bombay hereby certifies the films specified in column 2 of the schedule hereto annexed, in all their language versions, to be of the description specified against each in the corresponding entry of column 5 of the said schedule.

SCHEDULE

Sl. No.	Title of the Film	Name of the Producer	Source
1	2	3	4
1.	Indian News Review No. 359.	Govt. of India, Films Division, Bombay.	Govt. of India, Film Films Division, and c Bombay.
2.	Little Ambassadors	Ditto.	Ditto. Film intended for e cational purposes.
3.	Health for Millions	National Education and Information Film Ltd. for Government of India, Films Divi sion, Bombay.	Ditto. Film intended for e cational purposes.

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| 1. | Indian News Review
No. 359. | Govt. of India, Films
Division, Bombay. | Govt. of India, Film
Films Division, and c
Bombay. |
| 2. | Little Ambassadors | Ditto. | Ditto. Film intended for e
cational purposes. |
| 3. | Health for Millions | National Education
and Information
Film Ltd. for
Government of
India, Films Divi
sion, Bombay. | Ditto. Film intended for e
cational purposes. |

[No. 1/16/55-F: App/4.
D. KRISHNA AYYAR, Under Secy